The Zulu Peoples versus South African Legislation

The Indigenous struggle across the globe is a universal struggle characterized by waves of conflict and resistance to the policies and legislation passed by the nation-state governments of the countries in which the original inhabitants of the land reside.¹ Like many other areas of the world, the African continent was also subject to increased colonial repression at the hands of colonizers for many years, and “Black resistance to” the “assaults on their political, social and economic freedoms took many forms” in twentieth century South African history.² For even though many African countries were attaining independence during the mid-to late twentieth century,³ white hegemony and power only intensified in the country on the southern-most tip of the continent, under the policy of apartheid.⁴ In the modern day province of KwaZulu-Natal, the Indigenous Zulu peoples had endured colonial subjugation and rule for an extensive period of time in addition to experiencing the direct effects of the racist and demeaning legislation and policies passed by the pro-apartheid government during the bulk of the last century,⁵ especially

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with regard to issues of land ownership and entitlement. As a means of resisting the unjust laws and regulations implemented by the white South African government, the Zulu peoples, under the leadership of Chief Mangosuthu Buthelezi pursued political action in the name of Zulu Nationalism. In addition to the Nationalist rhetoric of the political movement, the Inkatha Freedom Party (IFP) also sought to elevate the status of the Zulu from oppressed, exploited peoples to one with an active role and voice in the South African political sphere.

The narrative of the Zulu peoples in South African history is one that is centered on glory and power, for the Zulu Kingdom had risen to prominence under the command of the great Zulu leader: King Shaka. The political, economic, and social status of the Zulu peoples and Kingdom was at an advantageous position under the leadership of King Shaka, for he had successfully annexed the surrounding territories and peoples into his empire, and in the early to mid 19th century, he “established himself as the all-powerful ruler of a single kingdom which dominated the region between Tugela and Pongola,” and later even “extended his control” to the vast neighbouring regions. With regard to the political realm of early Zulu society, Shaka’s successful military missions and implementation of “a centralised form of government” allowed him to exercise great power that not only elevated his own status but also elevated the prestige of

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the Kingdom as membership in the Zulu empire began to rise. Before decreasing the extensive power of the military, Shaka sought to rely upon his military members to engage in labour that would benefit the economic sector of society as “the men herded the king’s cattle and hunted for ivory while the women cultivated the king’s fields.” Shaka’s successful designation of tasks and duties to members of his military shows how efficiently the kingdom was being ruled and guided under authentic Zulu leadership. This period of 19th century history plays an important role in the Zulu struggle for equality, recognition and political activity in the 20th century, as it formed the basis for Zulu Nationalist policies that were highly intertwined with the desire of the Zulu peoples to be a part of the South African political landscape.

Following the killing of the Zulu King, the self-declared successor to the throne, Dingane, neither created any strategic plans nor exercised any great political power, and as a result the Kingdom became vulnerable to foreign or Boer raids. Initially Dingane employed “traditional Zulu tactics of speed and ruthlessness” as a means of averting both Boer aggression and Boer motives of acquiring Zulu-occupied territory, but the Boers eventually proved triumphant in 1838 in the battle against the Zulu, but luckily they did not choose to inhabit the area that was recognized as “the Zulu Kingdom.” Instead, they exerted their authority over the


region that was “south of the Tugela” which they called “Natalia.” In the years following the Zulu-Boer clash, a domestic war broke out in the Zulu Kingdom whereby the King was murdered, and Mpande emerged as the new leader and successfully revived the Kingdom, and prevented any further physical attacks from occurring between the Boers and his Zulu followers. The Zulu defeat in 1838 nonetheless shows how powerful European presence in the area was, because the Kingdom, which had been very prosperous under the leadership of King Shaka seemed to have been waning in “power”, and this in turn was very threatening to the livelihood of Zulu supremacy in the region.

With European powers vying for control in the southern-most region of the continent, “British land speculators” took possession of the territory that the Boers had retrieved during their battle with the Zulu in the year 1843. As a result of the abundance of natural resources in South Africa, Europeans, especially the British, yearned for strengthening their power in the country, primarily by completely obliterating powerful Indigenous empires such as the Zulu Kingdom. The British also hoped to declare ownership of all of the scattered territories or

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regions that were divided among the two European powers in the hopes of creating a sole “British-dominated federation.”

Thus, in the year 1879, the British set forth on a mission to annex the Zulu kingdom, and after the battles were fought, the British proved successful and declared dominion over “Zululand” in the year 1887.

The contact years between the Indigenous Zulu peoples and their European adversaries were very important in that they set the basis for creating the imbalanced, and white-dominated power struggle that would be characteristic of the Zulu-Afrikaner relationship in the 20th century. The British assertion of dominion over Zululand in the late nineteenth century shows how the Indigenous peoples were slowly becoming excluded from mainstream society as their status as owners of the land seemed to have been diminishing and their rights to the land were now being controlled by a foreign power. As a means of providing a rationale or reasoning behind their colonizing missions, the Europeans introduced a rather interesting argument that advocated for and supported their cause. For example, Zulu history dating to the triumphant years of King Shaka’s reign has come to be known as the “Mfecane” period, which means “the crushing,” a term or phrase “invented by colonially-minded whites.” Shillington notes that scholars have argued that this term and period in history was used by “colonially-minded whites

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and their modern racist sympathizers” as a basis or “justification for nineteenth-century colonization,” in addition to “the modern apartheid state.” For the advocates of colonization and apartheid argued that Indigenous Africans engaged in constant “tribal” warfare, which inevitably led to the abundance of “vacant land” destined for White-Europeans. This idea of “vacant land” is heavily correlated or intertwined with the notion of “terra nullius,” which is a concept that is evident in the Natural Law period, and it was used to provide a basis or type of outline for Europeans to follow when they sought to declare ownership or entitlement to a certain territory that was originally inhabited and owned by an Indigenous group. In the context of the Zulu peoples, the supposedly uninhabited territory was deemed as being the property of the Europeans who discovered it, as “they were just arriving in the aftermath of a severe bout of African savagery.” However, detailed numbers (with regard to actual deaths) and intensity of this time period have not actually been determined by scholars in this field of study. Nonetheless, the significance of this term (albeit, one invented by Europeans) is extremely


important in showing how power relations between the Indigenous and non-Indigenous populations were constructed, simply through the creation of a “myth,” that negatively depicted the supposed state South African society was in prior to European contact.34

Though it is evident that the Zulu confrontations with the Boers and the British took place as an attempt for the Indigenous to defend their sovereignty and land,35 the Anglo-Boer War that was fought from the years 1899-1902 however was declared as “‘a white man’s war’ and” thus the “Africans should not be involved;” for the purpose behind waging the war was to determine who would ultimately exert the utmost power and influence in the country.36 The Africans however bore the brunt of the war not only “as victims” but also as “participants,” for in many cases they worked for either the English or Boer war effort.37 And interestingly, many individuals supported the English armies for “they believed also that a British victory would ensure for black people generally a more equal share in the political and economic life of the region.”38 In the end, the British proved triumphant and the creation of the “Union of South


Africa” took place in the year 1910. This unification would eventually lead to many years of suffering, oppression, and prolonged agony for the Black and Zulu population of the country.

Following the immediate unification of South Africa into one state, the Zulu peoples became victims of the period of International Law, known as the Positive law period, which was characterized by the notion that the “law is what is just,” and that the “law is an end of itself.” For example, before the actual creation of “modern South Africa” took place in the year 1948, the early years of the union saw the passing of various legislation acts and regulations that severely restricted the rights of the Black populace within the state. For example, in the year 1913, the Natives Land Act was introduced, which affected the economic well-being of the oppressed individuals in that it “restricted blacks to a mere 7 per cent of the land in the Union,” and in turn the individuals “were pushed into the already overcrowded ‘reserves’ or migrated to the towns in search of work.” The incentive of passing the legislation was to give the White population an advantageous position in the economic sector of the society, by placing the black or non-white populace in a subordinate position of lowly work or labour. However, Stephen

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Taylor argues that this piece of legislation did not have a profound effect in the region of Natal, ironically because of “the Shepstone system, almost 30 per cent of the land was still in African hands, in the form of tribal and mission reserves,” but nonetheless the “Zulu speakers were roused by the implications of the Act.” 46 This Land Act also affected the social status of the oppressed population, for they were now obligated “to carry a ‘pass’ at all times indicating their ‘tribal’ origin and the name of their employer.” 47 This law is an example of how both Black Indigenous groups were the “objects” 48 of the state law policies, in contrast to being “active participants.” 49 For the individuals did not seem to have a voice in policy formation but were by law, forced to continue obliging to the rules, in order to avoid facing further consequences set out by those in power. 50 Thus the Natives Land Act (aside from the arguments put forth by Taylor), 51 suggests that the Indigenous were not recognized as sole owners of their land but instead the land was there for “occupancy and use,” 52 thereby further diminishing the rights of the original inhabitants.


Though the Natives Land Act that was implemented during the early years of the South African Union\textsuperscript{53} it was a very important tool of European or white hegemony in that it laid the basis for the policies that were implemented during the Apartheid era, an era that plagued the African country for many decades.\textsuperscript{54} Apartheid was introduced by the Afrikaner Nationalist Party in the year 1948, and this policy, also reminiscent of the Positive Law period, essentially “was an ideology, expressed through the laws of the white minority government” and it “called for the legal separation of the races and ethnic groups” in all sectors of society.\textsuperscript{55} Even though much of the African Continent in the mid to late twentieth century was undergoing independence from their colonial oppressors,\textsuperscript{56} the country of South Africa was still subject to a form of oppression that was not necessarily exerted upon by an external force, but by the domestic government: a government that was comprised of “the whites of South Africa.”\textsuperscript{57} Because of the absence of Zulu representation in the National Government, the Indigenous Group of the South African country was further subjected to exploitation and increased discrimination especially in the areas dealing with social identity and their rights to land entitlement. For example, the notions of justice or egalitarianism were completely overlooked during this era of segregation,


for with regard to the social and economic sectors of society in the year 1950, the Nationalist Government introduced policies such as: “The Mixed Marriages and Immorality Acts,” which disallowed “marriage, then sexual intercourse” to occur between the various racial groups in society, “The Population Registration Act,” which required the South African populace to be labeled and categorized according to their “race,” and “The Group Areas Act” provided the basis or guidelines for determining the areas in the country where individuals were either permitted or prohibited from residing.\(^58\) Under the Population Registration Act, the various Indigenous groups (placed under the category “Bantu”) in the country were also separated or “further subdivided into various ethnic groups: Zulu, Xhosa, Tswana…”\(^59\) Furthermore, the Bantu Education Act was introduced in the year 1953,\(^60\) and it sought to place the Black or ‘Bantu’ populace at both a socially and economically disadvantageous position, for it “aimed to ensure that Africans were educated only to a level appropriate to their enforced status as labourers.”\(^61\) These various pieces of legislation are clear indicators of the extent or lengths the nation-state government went to in the 20\(^{th}\) century in order to ensure that their domination over the peoples and the land that they had conquered in the 19\(^{th}\) century would not be weakened.


Because the notions of land entitlement and ownership are extremely important to Indigenous peoples, then introducing legislation that deals with land issues that favour the oppressors over the oppressed, is a very strategic and effective means of ensuring the nation-state’s continued dominance and hegemony over the peoples and regions under its jurisdiction. For example, with regard to the Zulu peoples, the Afrikaner Nationalist Government implemented the Bantu Authorities Act in the year 1951, and this act lead to the emergence of Indigenous reserves or “Bantustans such as KwaZulu.” This Act was instrumental for the Afrikaner cause in that it “basically provided for the establishment of separate tribal, regional, and territorial authorities for blacks,” and it also emphasized the notion that non-Whites would not be permitted to be a part of “central authority” but instead were to become the victims “of indirect rule.” In addition to this act, the issue of land entitlement was also addressed in the “Bantu Self-Government Act” in the year 1959 as well, for De Wet Nel, who was the “Minister of Bantu Administration and Development” at the time argued that Self-Government would allow for the Indigenous group to be able to govern themselves completely alone, in a way that they had been doing for many years and in an environment or context that would allow them to be as prosperous as they had been centuries ago. This policy that was directed at the Zulu

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peoples created the illusion of Zulu Self-Government but in reality was a perverse piece of legislation that “developed the paternalistic ‘guardianism’ of the pre-1948 segregation period into apartheid.”67 This piece of legislation also sought to place the Zulu and other Indigenous groups in economically and socially disadvantageous positions within mainstream South African society,68 in addition to stripping the Zulu of their identity as South African citizens.69 The interesting fact here lies in the notion that the Nationalist Government used a concept such as self-government to appeal to the Zulu population and make it appear as though this policy would be beneficial for them, when in reality it was designed to only further weaken their role and status within society.70

As a result of the introduction of the Bantu Self-Government Act, in addition to various other policies introduced by the Nationalist Government, “significant changes to Natal’s political administration” took place.71 Within the content of Zulu identity and politics, the Inkatha Freedom Party “was revived in 1975” under the leadership of Chief Mangosuthu Buthelezi.72 Though the Rights-Based era in International Law period is characterized by more active

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involvement in the International political sphere on behalf of Indigenous peoples, the mid-to-late twentieth century politics in South Africa did represent the viewpoints of the Zulu peoples and oppressed population but albeit, not necessarily to the extent that the Indigenous peoples could now be considered as “active participants” in the realm of International Law for they were not even members of the main and utmost powerful political party of the country yet. But the Inkatha Freedom Party (IFP) however, was utilized as a Zulu tool of “internal resistance to the South African government’s policy of “‘separate development.’” Before the IFP came to serve as a political party, it was originally “a cultural movement” that emerged in the earlier decades of the twentieth century as a means to ensure that the Zulu traditions and identity would remain prominent and surpass the challenges it was confronted with during the era of ‘modernization.’ When the IFP took form under Zulu Chief Buthelezi, the prime political and social incentives of the party were “to hamper the Nationalist Party government’s aims of breaking South Africa into black mini-nations,” and to serve as a leading force against the discriminative policies of the government, because other oppositionist parties (such as the African National Congress (ANC) and the Pan-Africanist Congress (PAC)) were prohibited from


functioning within the country. The most striking feature of the Zulu political party was the fact that the IFP was centered around Zulu Nationalism, for the leader of the party “claimed he was destined to lead a Zulu nation that pre-existed apartheid and colonialism” and to eventually revert the current day Zululand into the glorious empire that had emerged under the rule of King Shaka. Aside from wanting to re-create the utopian life of the past, Buthelezi’s involvement in politics was very important for in the year 1970, he became the main leader of “the Zululand Territorial Authority” (which would later turn into “the KwaZulu Legislative Assembly”), and through his political endeavours he had planned on “working within the system and changing it from within;” as he actively opposed “the politically-suicidal route of ‘independence’ for the KwaZulu ‘homeland.’” Though the 1970s were characterized by a period of solidarity or general understanding between the IFP and the ANC, as time evolved and a new decade emerged, Buthelezi and the IFP parted ways from the ANC and instead “the 1980s were a period of regional consolidation, characterized by blatant ethnic political mobilization and a structural integration of the KwaZulu homeland Natal provincial administration.” Because of the obvious


consequences that would ensue as a result of declaring full autonomy (such as extensive economic hardships), the KwaZulu Bantustan, under the guided leadership of Buthelezi “successfully resisted moving into stage 3 of the Bantustan policy; that is, so-called independence.” Though the political endeavours and career of the IFP, primarily the actions of Chief Buthelezi have to an extent been both complex and controversial, in addition to the internal problems that occurred amongst Zulu political activists and youth, it is important to note and understand that the mere fact that the IFP was created and used as a political tool to fight oppression is very important in the struggle of the Zulu peoples, for they now had a voice in the political sphere that sought to raise them above their disadvantageous position within South African society. With the eventual election of Nelson Mandela, the era of apartheid was dismantled, and even though the ANC proved triumphant over the IFP in the national political landscape in the year 1994, the Zulu and all Indigenous Africans however could now perhaps be considered as “active participants” in the realm of both domestic or national politics, and in


the realm of International Law, as both the ANC and the IFP are still active in twenty-first century South African politics.\textsuperscript{91}

Even though a democratic and anti-racist political party seized power in the late twentieth century, according to Bill Freund, the modern day province of KwaZulu-Natal is indeed “poorer than the average South African province,” but nonetheless it is still incorporated into the main plans or programs being implemented or undertaken by the nation-state government.\textsuperscript{92} Freund goes on to state that “since 1994 the ANC, the dominant force in a government of national unity, has been moderately successful in a politics of redistribution to the previously disadvantaged, largely black population…”\textsuperscript{93} Freund notes that if problems plaguing contemporary Zulu society are not addressed then perhaps individuals residing in the province of KwaZulu-Natal could once again turn to “both Inkatha and Zulu patrimonial structures as alternative social benefactors.”\textsuperscript{94} Though it is important to note that individuals who classify themselves as Zulu in current day South Africa live in a society that is much different from the colonial and apartheid era (as youth are exposed to very different and “many more opportunities” as a result of “globalization” and “consumerism”), nonetheless, there are certain Zulu traditions, and


beliefs that are still evident and being practiced within South African society.\textsuperscript{95}

The Zulu struggle for equality and recognition in South African society could well be the story of any Indigenous group around the globe. The story of the Zulu peoples shows how the nation-state government can have the ability to manipulate and practice increased levels of power and authority to the extent of completely placing the original inhabitants of the land at the mercy of the colonial and even contemporary governmental institutions. Thus in order to combat one’s disadvantageous position within society, as shown through the case of the South African Zulu, active participation in the political sphere of the country\textsuperscript{96} is essential for ensuring that inequalitarian practices and power struggles do not continue to dictate and inhumanely control the lives of the Indigenous peoples from the various countries and regions of the world.


\textsuperscript{96} Sibusisiwe Nombuso Dlamini, \textit{Youth Identity and Politics in South Africa, 1990-1994} (Toronto; Buffalo [N.Y.]: University of Toronto Press, 2005), 54-60.
Bibliography


