THE POLITICAL STATUS OF TRADITIONAL LEADERSHIP IN SOUTH AFRICA's NEW CONSTITUTIONAL DISPENSATION. A LOCAL GOVERNMENT PERSPECTIVE

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This article intends to make a contribution to resolving the current dispute on the roles of the institution of traditional leadership at local government level in the present dispensation in South Africa. In a subtle manner the article pins the dispute to the binary way of understanding that promotes Eurocentricity at the expense of Afrocentricity. In order for this to be observed, a backward-forward journey into the institution of traditional leadership will be taken.

1.   CONCEPTUALISATION

1.1   Traditional leadership

Prior to colonialism, indigenous peoples of Africa had their own complex and dy-namic methods of developing and asserting leadership in tribal society. At the first encounter with the colonialist, these African models could not fit the Eurocentric binary framework of reality, and out of ignorance were thus dismissed by co-lonialists as backward and primitive. Accordingly, in their places a Western mode of governance was imposed on the traditional African communities. This was initially met with some forms of resistance from various indigenous communities. However, due to the superior nature of the weapons of the colonialists, these com-munities with their traditional weapons were no match and colonialism eventually prevailed. Therefore, for the colonial rule to consolidate its control over African people, it devised a system of control which included a combination of co-option, repression and divide and rule (Anon 2001:27). The co-option element was im-portant because, while defeated, indigenous communities were far from being atomised. Traditional leaders were then granted official recognition provided they exercised their functions and duties in terms of foreign legislations (Anon 2001:28). They held office on behalf of, and at the mercy of the conquerors.

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Thus, the problem confronting South Africa today is that the colonialist meddling with the affairs of traditional leaders resulted in an institution that is not traditionally pure, but rather more a product of the colonial and neo-colonial moulds, as well as recent ongoing inventions of custom, culture and tradition. In view of this, attempts to define the concept of "traditional leadership" are faced with the choice of going back to pre-conquest/pre-colonialism and excluding the impacts of colonialism and neo-colonialism on the institution, or defining the concept in a manner that reflects and accommodates all these influences as part of the evolution of the indigenous systems of governance as shaped by the context in which it had to operate. Conscious of these difficulties, the author will herein utilise the definition provided by Keulder as it amicably reflects the latter scenario.

According to Keulder (1998:24) "a *traditional leader* refers to any person who by virtue of his ancestry occupies a clearly defined leadership position or throned stool in an area; and/or who has been appointed to such a position in accordance with the customs and tradition of the area, real or invented, and thus has 'traditional authority' over the people of that area; or any person appointed by an instrument or order of government or elected by the community to exercise traditional authority over an area or tribe, or to perform traditional functions for them".

With this understanding of traditional leadership, it would also be essential to attempt to conceptualise "African democracy".

1.2   African democracy

The mooting of the concept "African democracy" in this discourse, contributes and represents the continuing search for a conceptual political paradigm that would assist to end the chronic conflicts and destruction that plague numerous African countries resulting in the subsequent Afro-pessimism. Thus, the angle adopted by the author, may be classified along with those African thinkers who advocate a return to the tradition or a "return to the source" as Amilcar Cabral would call it (Eze 2001:1).

A role for the above-defined traditional system is not exclusively a western constitutional theory and definition. Defining the concept "democracy" as perceived and understood from an Eurocentric vantage point is also problematic. According to Eze (2001:2) democracy as perceived by the West is understood and articulated in the multiparty language of the political traditions of the West. This is a democracy that the West also sometimes requires of African states as a precondition for economic and military aid, without considering that politicians in non-Western societies do not win elections by demonstrating how Western they are. Electoral competition

instead stimulates them to fashion what they believe will be the most popular appeals, and those are usually ethnic, nationalist and religious in character (Huntington 1983:94). Taking cognisance of the fact that the struggle for liberation in Africa was a struggle against colonial imperialism, it is problematic for one to just accept what comes from the West without deeply interrogating it.

African academics like Omoregie (2001:1), Rodney (1981) and Amin (1985a and 1998b:45) endorse the observation when they point out that neo-colonialism today prevails in Africa because of the continuation after "independence" of the econo-mic, political and social practices established by colonialism. Taking this further to a conspiracy by the West against Africa, Chinweizu (1975:161) highlights that the West by way of what they called the "Middle-Class Solution", planned to retain hegemony over their colonies while granting them internal self-government and the appearance of sovereign independence. The outline of the strategy for this "Middle-Class Solution" was as follows: promote a loyalist, westernised petty bourgeoisie and give them local power over each colony; constrain their actions by way of an intense fetishism about international legality; provide commercial bribes, subsidies to their budgets, and colonial development aid; and ultimately, create compradors and tie them down to a loyal and self-serving partnership with European imperialism (Chinweizu 1975:161-2). This sounds rather far-fetched, but when one observes the developments in South Africa since 1994 up to the R50 billion arms deal, this assertion has some truth in it. Now the question that remains is, is this the best form of democracy?

If it is the best model, its association with the colonial master and the fact that it is a colonial legacy that is forced upon non-democratic, dependent and underdeveloped countries, smears mud in its face. According to Rodney (1981:244) colonialism laid the roots of neo-colonialism in Africa by creating Africa's economic dependency on the international capitalist system. Who knows that the acceptance of an outside political solution without contextualising it to suit African realities and develop-mental programs would derail towards the colonial agenda? Ours must be a South African solution based on South African realities (Anon 2001:30). According to Eze (2001:8) the best form of democracy is one that culturally reconciles both centripetal and centrifugal political forces of its constituents - while preserving each current in its most vital élan. The manner with which Western democracy is entrenched in Africa in general, and South Africa in particular, is not done with the spirit of preserving a distinct African political identity based on the tried and tested wisdom system of leadership. Therefore, considering African democracy for South Africa will "help shake off vestiges of colonialism which impede nation building" (Hakata 2001:13). Accordingly Ntsoane (13-06-2001, personal interview) empha-

sises that Eurocentrism must allow other worldviews to develop outside its frame-work. So, what is the 'African democracy'?

The African democracy is "an attempt to (re)discover in the African pre-colonial past resilient forms of social and political organization that, with proper reworking, would lead some African countries out of their current self-destructive patterns of political existence" (Eze 2001:01). The reworking of these traits would provide a common scale which would allow a decolonised evaluation of the political order, that will only emerge through intergovernmental or intercontinental dialogue or mutual exposure. Such exposure epitomizes the conduct prescribed by *Ubuntu*, which inspires us to expose ourselves to others, and to encounter the difference of their humanness so as to inform and enrich our own (Sindane 1994:8-9). As opposed to Western democracy, French (2001:3) argues that democracy the African way does not simply boil down to majority rule, but traditional African democracy operates on the basis of consensus. Where there is the will to consensus, dialogue can lead to a willing suspension of disagreement, making possible agreed actions without necessarily agreed notions (Wiredu 2001:2). This important expression is expressed by words like *pula*, translated to mean "peace", at the end of the meeting.

In this note, the objectives of this discourse would be advanced further if the "African renaissance" could also be conceptualised.

1.3 African Renaissance

According to Chinweizu (1975:298) the question of an African renaissance is one of revitalising the tradition; for the Western orientated minds it is one of home-coming; and the issue of home-coming is that of giving primacy to the African experience, past and present, in African endeavours. In terms of this comprehension of the African renaissance, two processes are crucial in this regard, i.e., the pro-cesses of "re-vitalising" and "home-coming". With regard to the former process, the presence of the prefix "re-" suggests that at one time indigenous African systems and practices were authentic and essential to the existence of peoples of African descent. Since their encounter with the colonialists and the subsequent years, these systems happened to lose their vitality first in a consciously systematic and planned fashion and secondly through aging and neglect by African peoples. Endorsing this argument, Asante (1992:39) reminds that among ancient civilisations Africans gave the world Ethiopia, Nubia, Egypt, Cush, Axum, Ghana, Mali and Songhay. These ancient civilisations are responsible for medicine, science and the concept of mon-archies and divine-kingships, and an Almighty God (Asante 1992:39). With these memories of the African past, the renaissance demands firstly an honest compre-hension of what and who an African is and where he or she comes from so that

peoples of African descent could acquire a clear idea of where they want to be in the future. According to Asante (1992:7) one must always begin where one is, that is, if one is Yoruba begin with Yoruba history and mythology; if one is Kikuyu begin with Kikuyu history and mythology.

The latter process of "home-coming", which confronts an observant African with a painful reality, for instance, the fact that being in Africa and dark in complexion does not furnish a guarantee that one is African in perception, taste and action. Africa has lost most of her children both in the kiaspora (within the continent) and the diaspora (outside the continent). Conscious of this situation, Chinweizu (1975:305) remarks that these African prodigals are "the lost souls, the unruffled and perhaps unrepentant apers of the west, all malnourished on western art and aesthetics". In view of this, the African renaissance symbolises the return of the Anglophile lost souls to African ways of life and perceptions of reality. Therefore the eventual return to afrocentricity will recognise the African frame of reference so that the African becomes the centre of analysis and synthesis. With the acquisition of the afrocentric worldview, Asante (1992:7) points out that even Christians will confess that since they accepted Jesus old things passed away and all things became new. What is meant here is that, a new perspective, a new approach, a new consciousness invades one's behaviour and consequently with Afrocentricity one will see other people differently, read books differently, in fact nothing will be as before one's consciousness. In the words of Asante (1992:7) this new vantage point "supersedes any other ideology because it is the proper sanctification of the African's own history". With the realisation of this perspective, Mbeki (1998:36) adds that "Africa will prosper! Whoever we may be, whatever our immediate interest, however much we carry baggage from our past, however much we have been caught by fashion of cynicism and loss of faith in the capacity of the people … nothing can stop us…".

In order to afford a context for the arguments herein raised and for the reader to comprehend them without difficulty, it is crucial to briefly hark back to the historical roles of traditional African institutions.

2. HISTORICAL VIEW ON THE ROLES OF AFRICAN INDIGENOUS AUTHORITIES

2.1 Pre-conquest indigenous systems of governance

When one goes back to history and begins to apply one's mind to traditional leadership, it is important to note that the pre-conquest and pre-Europeanisation traditional African governments were not organised on Western models, but were

organised according to the African contextual realities. Despite the observation that the modern contextual developments in South Africa stifle traditional leaders and authorities, without any disrespect, this political tradition served African societies much better than the present political systems derived from those imposed on the societies for a period of one hundred years by European colonial powers (Mulemfo 2000:48). However, before the traditional roles of the chief could be alluded to, it is important to first provide a brief explanation of how kings were appointed to their throned positions.

According to Schepera (1984:174) chieftaincy was hereditary, as the Setswana saying goes: "Kgosi ke kgosi ka a tsetswe" (a chief is chief because he is born it). However, the rules of succession varied from tribe to tribe. For example, among the Nguni, Sotho and Venda peoples, chieftainship normally passes from father to son, with the rightful heir being the eldest son of the chief's "great wife" (Schepera 1984:175). Among the Shangaan-Tsonga people a chief is usually succeeded by his brothers in turn, and only when the last brother has died does succession revert to the sons of the eldest (Schepera 1984:175). If a direct heir could not be found, the chief was succeeded by the man next in order of seniority. According to Schepera (1984:175) women did not normally succeed, although they might at times act as regents when the successor was a minor. However, among the Lobedu people in the present Limpopo (formerly Northern) Province, the chief always had to be a woman, but for social purposes she was regarded as a male and had to marry wives (Schepera 1984:175).

Furthermore, the chief as head of the tribe occupied a position of outstanding privilege. He was perceived as the symbol of tribal unity, the central figure round whom the tribal life revolved. Hence in the case of the Nguni, for example, granting allegiance to a political superior in return for land and protection, was regarded as a duty (Hammond-Tooke 1993:66). Among the Venda and some Northern Sotho, as among the Zulu, he was elevated to an almost godlike eminence. Contrariwise, in other tribes, such as the Batswana, he was far more approachable, although revered and always treated with a good deal of outward respect (Schepera 1984:176). This chief-subject relationship was misinterpreted by the colonialists as a form of fear, hence the denigration of *ubuntu/botho*.

However, the chief's life was not merely one of immense privileges. He had many duties to perform for the tribe. Schepera (1984:176) endorses that the chief was at once ruler, judge, maker and guardian of the law, repository of wealth, dispenser of gifts, leader in war, priest and magician of his people. He had, in the first instance, to watch over the interests of the tribe and keep himself abreast of tribal affairs generally. In administering the affairs of the tribe, the chief was assisted by a small

number of confidential advisers. According to Schepera (1984:181), when the chief succeeded, he would generally retain the advisers of his father, but later as time passed might discard some of them (except *induna*) and select his own. These men helped the chief to formulate policy, and discussed with him every measure which would subsequently had to be referred to the great tribal council (*lekgotla*, in Setswana). Furthermore, these advisers kept him informed of public opinion and of what was happening in the tribe generally, and had to remind him of matters needing consideration and attention. Schepera states (1984:182) that these people further kept check of the chief's behaviour and were expected to warn and even reprimand him if he went wrong.

On occasion, the chief had to consult the much more formal *Lekgotla*. Although the exact structure varied from tribe to tribe, it was as a rule made up of the chief's private advisers, some of his more distant relatives, all sub-chiefs and headmen of local divisions and portions of the tribe, and various influential commoners appointed because of their ability (Schepera 1984:183). The chief's *Lekgotla* dealt with all matters of tribal policy and no action could be taken nor could any new law come into force until it had been approved in this meeting. The decisions previously arrived at by the chief and his private advisers were put before the members of the *Lekgotla*, who then freely discussed and criticised them (Schepera 1984:183). The *Lekgotla's* co-operation was essential for successful governance and should the chief act contrary to their collective advice the result would probably be severe. According to Schepera (1984:183) the *Lekgotla* represented the people and their opinion, and was thus the link between them and the chief. After the meeting of the *Lekgotla*, each local official would return to his district, where he would inform his assembled followers of the decision arrived at, which were henceforth be binding upon the whole tribe. Bereng (1987) and Schepera (1984:183) highlight that among the Basotho people all matters of public concern were dealt with finally before a general assembly (*pitso*) of initiated men.

Accordingly, the existence of these councils greatly limited the chief's actual exercise of his power and thus organised the political life so that effective government could result from harmonious co-operation between the chief and his people. This political understanding is expressed in the Batswana saying that "kgosi ke kgosi ka morafe" (translated to mean that a chief is a chief by the grace of his tribe). However, a good deal depended upon the personal character of the chief (Schepera 1984:184). He must therefore have been the one with the greatest vital force in the whole kingdom. Only in this way could he, being sacrosanct, serve as mediator, with the superior universe, without any break, any catastrophic upheaval within the ontological forces (Diop 1987:61).

If the ruler prospered alone while the rest of his society were poor and hungry, he was removed from office as unfit to rule. Tladi (28-07-01, personal interview) says, "matla a kgosi ya konokono a bonwa pitseng tsa lapa la mongwe le mongwe" (translated, "a great chief provides for his subjects"). Furthermore, Mulemfo (2000:49) accentuates that traditional African leadership was not a system of deprivation and abuse of human dignity and freedom. The manner in which the kings ruled their people constituted the basis of the moral economy, which effectively combated poverty and thus prevented many of the social problems that are characteristic of present day societies. According to Keulder (1998:35) the practice of *mafisa* among the Lozi-speaking people of the Caprivi serves as a good example of how the moral economy operates. According to this practice, any member or family in a community whose livestock has been depleted through sickness or drought can ask for animals on *mafisa* from the rest of the community. He or she undertakes to look after them for an agreed period. When this time has expired, the original animals are returned to the owners, and the caretaker keeps most of the offspring born during the period of caretaking. Furthermore, the moral economy practised in the traditional context guaranteed that all had the means to produce enough to sustain life at its fullest. It was the right of one person or family to be helped by and to help others. In other words, each one felt that he had material and moral rights upon other members of the tribe and they reciprocally had rights upon him (Diop 1987:24).

Most of the foregoing principles of the moral economy and many other achievements enjoyed by traditional African societies were lost after the colonialists had landed in Africa and thus had contact with Africans. Rodney (1981:244) asserts that "previous African development was blunted, halved and turned back" by colonialism without offering anything of compensatory value. In view of this observation and for the enhancement of the objectives of this discourse, it becomes crucial to shed some light on colonial impact on the roles of traditional leadership.

2.2   Encounter with the Colonial Master

Colonialism and other forces of modernity not only disrupted and destroyed most of the moral economy, but at the same time undermined the social and political authority of traditional leaders. According to Mulemfo (2000:48) the colonialists either persuaded the traditional kings to obey their new ways of governance or they just used force to destroy all the existing structures. Since Africans were more spiritual peoples, missionaries played a crucial role in persuading the indigenous African kings and their societies through religion to part with their traditional ways of living, as these ways were pronounced ungodly in terms of the Eurocentric religious perspectives. Ngugi in Omoregie (2001:4) argues that to gain acceptabili-

ty and perpetuation, the colonialists enlisted the services of Christianity and
Christian oriented education to capture the souls and the minds of the African
people. Tlou and Campbell (1994:134) endorse this observation when they point
out that "most missionaries despised and disliked (African) customs, and they
worked hard to destroy them". This therefore provides the reason why newly con-
verted Christians renounced their traditional lifestyle, and adopted the missionaries'
worldview and ways of doing. To the missionaries it was also a fair exchange to
take the African "land in return for preaching the gospel" (Dickason 2000:147).
When missionaries introduced colonial education, the Christian converts lost touch
or deliberately ignored pre-conquest African education which taught them pride in
the self and in their own people as well as respect for fellow human beings.
According to Rodney (1981:263), what these people were not aware of was that
"the main purpose of the colonial school system was to train Africans to participate
in the domination and exploitation of the continent as a whole... Therefore colonial
education was education for the subordination, exploitation, the creation of mental
confusion and the development of underdevelopment."

Thus, both missionaries and colonialists, as well as these Africans who were con-
verted and who received their education in colonial schools, posed a serious threat
to indigenous African modes of governance and traditional life in general. The
"monoculture", introduced by colonialism, made the African moral economy,
leadership and spirituality helpless in the face of colonial imperialism. This denied
Africa the right to cultural development and self-expression and set up a state of
siege that it justified with theories about cultural assimilation (Omoregie 2001:5).
With the traditional ways stunted, the colonialists imposed themselves on African
people and those who stayed in the way of their plans were attacked. An example
of this is provided by the Boers' attitude to the Batswana rulers after they had
signed the Sand River Convention of 1852 with the British (Tlou and Campbell
1994:144). In the wake of this Convention, the Boers called a meeting of Batswana
rulers to inform them that they were henceforth under Boer rule. When kings like
Sechele I rejected Boer rule, this resulted in the battle of Dimawe of 1852 which
became destructive to the Batswana people (Tlou and Campbell 1994:145).
According to Tlou and Campbell (1994:145), after the defeat of Sechele, the Boer
Commando attacked the Bangwaketse and the Barolong of Montshiwa who had
refused to help them fight Sechele.

In addition to the above, the authority of traditional leaders was damaged ex-
tensively when the colonialists became aware of South Africa's mineral richness in
places like Kimberley in 1867. Tlou and Campbell (1994:147) accentuate that the
country was then rumoured to be rich in gold and other minerals and so Rhodes and
Britain wanted it. The mining of these mineral resources resulted in the mining

magnates perceiving African settlements as recruitment camps. According to Muller and Ritz-Muller (1999:451) these Africans were forcibly recruited by the colonial powers (sometimes with brutal ruthlessness) - for example, by press gangs consisting of police or military units that virtually snatched people away and set them to work on public projects in faraway locations. In this new context, some African chiefs fell prey to and out of greed collaborated with the mining magnates and colonial government to let their subjects work in mines. Rodney (1981:275) adds that "after being given salaries, they could then afford to sustain a style of life imported from outside... that further transformed their mentality".

However, some of the traditional authorities and communities refused to co-operate with the mining magnates and farmers by instead of seeking employment opted for traditional ways. Consequently, during 1870 several petitions from almost all districts of the ZAR, complaining about lack of subservience of Africans, were received by the Volksraad (House of Assembly) (Transvaal Archives (TA),SS139, Supl. 90/1871, pp.307-8). In response, the Volksraad appointed a commission of investigation to probe the matter. Furthermore, the so-called "Kaffir Law" of 1866 was amended in 1870 (TA, SS 139, Supl. 89/1871, Minutes of Meetings of the Commission, 20 September 1871, entry number 24). It is clear that the aim with the amendment was to coerce Africans to supply labour to the government and white farmers. According to Mbenga (1997:136) a study of relations between Bakgatla ba Kgafela and white officials and farmers in the vicinity of Pilanesberg in this period, reveals the application of forced labour practices to supply the demand. In addition to harsher actions by local officials and farmers to obtain labour, the pass system and taxes were indirectly employed to induce Africans to supply labour (Kruger 1966:82-3).

The Anglo-Boer controversy which culminated in the war of 1899-1902, temporarily shelved the question of the relationship of whites and Africans lower in their list of priorities. Very soon, however, after the war, the matter was once more on the foreground. For example, as early as 1905, the Natal colonial legislature imposed a poll tax of £1 on all indigenous inhabitants of the colony, with the exception of indentured Indians and married "Bantu" (Muller 1975:367). This resulted in sporadic murders and disturbances occurring in the colony in the early months of 1906, which led to an open rebellion led by chief Bambatha of the Zondi tribe. According to Muller (1975:367) the unrest was curbed with the loss of about thirty white and 3 000 Zulu lives.

The indigenous African system of governance was given a heavy blow when in 1910 white settlers formed the Union of South Africa (Paton 1990). Following this, African kings and other Africans saw the need to also unite and collectively fight

for their recognition. Accordingly, several hundreds of South Africa's most prominent African citizens: professional men, chieftains, ministers, teachers, clerks, interpreters, landholders, businessmen, journalists, estate agents, building contractors and labour agents, converged in Bloemfontein on 8 January 1912 to unanimously form the South African Native National Congress (Lodge 1985:2)

With the introduction of the Black Administration Act (No. 38 of 1927) the African system of governance and administration was changed and the white government took control of the African population. According to Finnstrom (2001:3) this denoted the "invention, promotion and exploitation of tribal differences and traditions". Furthermore, new structures were established in their place in terms of the Black Authorities Act of 1951. These were termed "tribal authorities", "community authorities" and regional authorities. In terms of the new development, the Governor-General was established as a "supreme chief", a position that gave him the power to create and divide indigenous communities and to appoint any person he chose as the so-called "chief" or headman. He also had the power to depose these so-called "chiefs" and headmen. From 1961 the position of the Governor-General was assumed by the President of the Republic of South Africa. In terms of the 1993 and 1996 constitutions these powers were assigned to the premiers of the various provinces.

3.   CONSTITUTIONAL RECOGNITION OF TRADITIONAL LEADERSHIP

The current Constitution of the Republic of South Africa, Act 108 of 1996, recognises the institution of traditional leadership, and the role and status of traditional leadership according to customary law, but subjected it to the Constitution. Chapter 12 of the Constitution specifically provides for the recognition of the institution of traditional leadership. However, the Constitution falls short of providing for their specific roles. It merely states that the status and role of traditional leadership, according to customary law, are recognised subject to the Constitution (section 211), and that national legislation may provide the role of traditional leadership at local government level (section 212).

At the same time the Constitution (section 151) provides for the establishment of municipalities in all areas of South Africa, including those occupied by traditional communities. It further provides that local government is to be democratic and accountable to local communities, to ensure the sustainable provision of services to communities, to promote social and economic development, and to encourage the involvement of communities and community organisations in matters of local government.

4.   PROVISIONS IN TERMS OF THE MUNICIPAL STRUCTURES ACT, ACT 117 OF 1998

The position of traditional leaders in local government has not yet been resolved by the government through national legislation to the satisfaction of traditional leaders and sections of the society that believe in the potential of the institution of traditional leadership in the enhancement of African democracy. Section 81 of the Municipal Structures Act, 117 of 1998, as amended, is currently the only national legislation that provides for such a role. In terms of this section of the legislation only the traditional authority is entitled to be represented in the local government, not the traditional leader. For example, if there is a traditional leader in a province but there is no traditional authority, that traditional leader cannot participate in the activities of the local government. A traditional leader is entitled to participate only if he/she represents the traditional authority. The legislation further stipulates that the traditional leader who participates in the proceedings of a local council must be identified by the MEC of Local Government in a prescribed manner and must have a specific status.

In terms of Schedule 6 of the Municipal Structures Act, when identifying the traditional leader, the MEC must request the Provincial House of Traditional Leaders to recommend which leaders of a traditional authority must be identified. The traditional authority that is identified and endorsed by the MEC must then hold the supreme office of authority in the particular traditional authority and must be an ordinary resident in the municipal area in question. The MEC is bound by law to identify the most senior of the traditional leaders. In terms of the Municipal Structures Act the number of traditional leaders that may participate in the proceedings of a municipal council may not exceed twenty per cent of the total number of councilors in that council. For instance, if the council has fewer than ten councilors, only one traditional leader may participate. If the number of traditional leaders identified in a municipality's area of jurisdiction, exceeds twenty per cent of the total number of councilors the MEC for local government in the province may determine a system for the rotation of those traditional leaders.

During a meeting session of the council, before a council takes a decision on any matter directly affecting the area of a traditional authority, in terms of section 81(3) of the Municipal Structures Act, the leader must be given an opportunity to express a view on the matter. Another way of soliciting this view other than merely allowing the traditional leader to express a view, is that, if the MEC so decides, a broader role can also be prescribed for traditional leaders in the affairs of a municipality in terms of section 81(4)(b). However, a traditional leader's participation in

local council meetings is not only limited to the matters directly affecting the area of the traditional authority. Though participation means that the traditional leader could address a meeting, he/she is not a member of the council and thus cannot cast a vote. Section 157(1) of the Constitution makes clear who is a member of a council: "It is a person that was elected in terms of an election system prescribed in the Constitution or a person so elected that was appointed by one council to represent it in another council." In view of this section of the Constitution, the traditional leader is not a member of the council in which he/she participates. Therefore, a traditional leader cannot be counted for the purpose of establishing whether a quorum is present, neither can he/she vote on any matter.

In addition to the above, a traditional leader cannot also be a member of a committee of the municipality or hold any office in the municipality. At best a traditional leader can be appointed as a member of an advisory committee in terms of the Local Government Municipal Systems Bill, Bill 27B of 2000.

With the understanding of the foregoing controversial legislative recognition of the indigenous African system of governance, in order to enhance the objectives of this discourse a brief overview of the pros and cons of the institution of traditional leadership would be a benefit.

5. ARGUMENTS AGAINST THE RECOGNITION OF TRADITITIONAL LEADERSHIP

When one applies one's mind to the status of the institution of traditional leadership, one realises that in general the current perception of the South African society has shifted towards support for the Eurocentric modern élites and their structures. Therefore, in a Western-friendly context which nurtures such attitudes and which is also characterised by the pressures of globalisation, the question of recognising traditional leaders and their authorities becomes difficult. It is especially the case with globalisation where national identity is waning away and peoples and societies are becoming global citizens. International laws such as human rights (El-Fassed 2001:8) are overriding national laws in the modern world and thus countries that do not abide by them are ostracised.

Traditional leaders and their authorities are further marginalised by the fact that they do not have the financial resources necessary to undertake independent community service projects. On top of this, their situation as compared to the elected councilors is exacerbated by their lack of sufficient capacity to become service providers and enforce their authority (Keulder 1998:315). Traditional institutions throughout the colonial period were not providing or were not empowered to pro-

vide basic services that are currently perceived as the measure of government delivery at local level.

Furthermore, the ongoing Western modernisation of rural life has reduced the power of chiefs. Even the most pivotal and respected institution of the *kgotla* experienced declining popularity (Keulder 1998:132). This is portrayed by the attitude of young people, especially those who had longer exposure to Western education. They became so detached, not only from the institution of traditional leadership, but also from their parents and ancestral culture. Hence Macedo (1999:xiii) asserts that after attending colonial schools, "the language of their education was no longer the language of their culture". This is so because most of the values elders attempt to communicate to their offsprings, are not reinforced by the Eurocentric framework which is entrenched by schools. In support of this assertion, Macedo (1999:xii) points out that "at a very early age they constantly tried to find parallels with what was being taught in the classrooms". Therefore, arguing for more roles for the institution of traditional leadership in a society that is getting deeper and deeper into the Eurocentric world, characterises fighting a losing battle.

In addition to the above, the "inevitable" incorporation of traditional leaders into the civil service is undermining their effectiveness. As civil servants, they are required to work from an office and are thus restricted in the execution of their duties by conditions of service and line of command (Keulder 1998:133). Furthermore, incorporated chiefs who operate in this system assumed additional responsibilities that reduce their accessibility and level of performance. Chiefs are now perceived like other bureaucrats and thus communities who were in the past looking upon them for services do not have that opportunity nowadays. Furthermore, because of the fact that traditional authorities had lost much during the colonial and apartheid eras, continues to undermine efforts to retain them. On top of this, the succession battles that are continuing within some royal families, for example, Barolong boo Ratshidi, are weakening arguments for the recognition of the institution of traditional leadership.

6.   ARGUMENTS IN FAVOUR OF TRADITIONAL LEADERSHIP

First and foremost, it is not that the institution of traditional leadership is incompatible in the modern context, but the problem stems from the nature of power relations between this indigenous system of governance and the Westernised elected leaders as determined by the South African Constitution. According to Chabal (1996:45) what is problematic is that this Constitution "looked at (South) Africa from the perspective of the evolution of Western societies". This observation is

particularly noticeable and consequential when it comes to the manner in which the question of roles of traditional leaders is handled by most elected Eurocentric politicians. The assumption they make on the trajectory of contemporary South Africa in a large part issues from their notion of the "backwardness" of the continent in relation to the development of the West (Chabal 1996:45). This biased attitude of dealing with non-Western issues is further underscored by the observation that the present Constitution on the one hand provides for clear powers and functions of local authorities and other spheres of government, and on the other hand fails to do the same for indigenous systems of governance based on Africa's wisdom systems. Thus the resultant marriage between the two worlds is not based on the principles of equality.

Furthermore, the endorsement of the discarding of the institution of traditional leadership on the premise that Western modernisation, characterised by the forces of globalisation and international laws, is in no way serving the interests of the African people who had fought colonialism. Conscious of this fact, Chinweizu (1975:304) asks: "Is that why the African tradition, which ought to have been given center place in the reconstruction of African culture, is not even given a hearing?" This tradition, which should form the stem onto which all our cultural borrowings are grafted, is rejected and cast out, and thus South Africans swirl in a cultural maelstrom and suffer in a culture with an absent center. In addition to this, for developing countries to run after globalisation would constitute chasing a mirage as the entire globalization process is designed and targeted towards benefitting the West at the expense of the developing countries just like colonialism. Small wonder globalisation is not a choice, but a must to the developing world.

With regard to the question of westernisation of rural life, proponents of the West need to be aware of the fact that modernisation and Westernisation are not synonymous. Chinweizu (1975:304) emphasises that people tend to misidentify modernity with westerness and thus jettison every surviving African tradition, without bothering to see what might be developed from it. As is the case in South Africa, there is a senseless refusal to examine the African reality before it is damaged further with thoughtless importations from the West. Chinweizu (1975:305) further warns that the current marginalisation of traditional leaders constitutes a "flee from the African reality and traditions and knock at Western doors, ...seeking a place, however cramped, barren and deadly, in the backyard of Western culture. Contrariwise, if Africans are to contribute to modernity, there is no need to put up Western make-ups as that serves the opposite of promoting Western stereotypes about Africans and their continent."

Furthermore, the argument that there is no need to allot more powers and functions to the institution of traditional leadership is hypocritical. For example, you cannot let somebody burn down your house, and when you are about to contain the destructive fire, you believe the person when he tells you to allow the fire to complete the destruction as the building is already lost. This is exactly what is implied by raising the argument that indigenous systems of governance were destroyed by the past and thus there is no logic in retaining them. According to Buthelezi (2001:6), such an assertion and perception of the institution show that the perspective of the "old State" has clouded the judgement of the present government to the point of losing track of historical reality. Furthermore, advancing motions that the conflicts of succession within the royal families provide further reason for ostracising them without suggesting ways and mechanisms of resolving these disputes, also reveals the presence of a hidden agenda on the part of the proponents. What people fail to comprehend is that succession conflicts are not limited to traditional authorities, these conflicts also show their faces in party politics and governance modes inherited from the West.

Now that one has the context within which to fit the current mudslinging surrounding the institution of traditional leadership, it would be appropriate to therefore put forth some suggestions.

7.   SUGGESTIONS

From the foregoing, it is clear that to genuinely talk about African this and African that, one must get away from the well-trodden paths of Eurocentric African conceptions which are often unaware of the temporal dimensions of those studied societies, and of the philosophies and spiritualities of those societies. The struggles to attain a collective definition of African Renaissance denote that over the course of the centuries of colonial imperialism, the Eurocentric worldview that was imposed on the Africans "made them unaware, more or less up to recently of African philosophies or those of India or China" (Obenga 1992: 20).

Indigenous communities face the challenge to remain indigenously African but at the same time they must face the potentially corrosive effects of non-indigenous values and culture that aggressively challenge their fundamental beliefs and institutions. Therefore, hereunder as an attempt to find some roles for *dikgosi*, some ideas are shared on, firstly, traditional leaders and the African Renaissance; and secondly, traditional leadership and natural and cultural conservation.

7.1   Traditional leadership and the African Renaissance

A close look at the African reality reveals that there is on the one hand a part of tra-
dition that has remained intact and continues to survive despite modern influences
and on the other hand a tradition that has been altered by contamination from
Europe. The institution of traditional leadership serves as an example of the former.
As mentioned earlier in this article, talking about the African Renaissance advances
a challenge to the Western conception of reality that objectified the African in the
Western discourse. Therefore, important is the answer to this question: how can our
(Africans) survival as a people be ensured in these circumstances (Diop 1996:65)?

Firstly, the African must undertake a historical backward journey with the object of
tracing the African achievements and institutions which were informed by the
African philosophy in the pre-conquest or pre-colonial era.

Secondly, the African must own these achievements and institutions and utilise
them as the base of the African identity in the modern African endeavour to assert
himself in this globalisation era. Endorsing this point, Semali and Lincheloe
(1999:33) denote that "identity is constructed when submerged memories are
aroused - in other words, confrontation with dangerous memory changes our per-
ceptions of the forces that shape us, which in turn moves us to redefine our world-
views, our ways of seeing".

Thirdly, Africans must understand that their salvation essentially depends on them-
selves. It would be unconsciously defeatist on our (Africans') part to make every-
thing depend on outsiders. This is neither effective nor sensible as foreign aid can
only be of use if we (Africans) have begun the task (Diop 1996:65). Tembo
(1985:196) emphasises that Africans have for too long remained a poor imitator of
the other race.

The message picked up from the foregoing, is that the indigenous institutions such
as traditional leadership should be centered and be part of the vanguard of the Afri-
can Renewal or Renaissance if it is to succeed as an African phenomenon. Leaving
dikgosi on the periphery of the African Renaissance initiatives runs the risk of de-
contextualising the initiatives, severing them from the cultural connections that
grant meaning to their indigenous producers, and eventually using them in projects
that may operate against the interests of indigenous people (Semali and Lincheloe
1999:21).

7.2   Traditional leadership and natural and cultural conservation

Knowledge systems about the indigenous systems of conservation, customary law, land tenure systems, inheritance rights and rituals, were guarded, disseminated and preserved, not through Western writing and institutional systems, but through indigenous institutions and stories, legends, totems, folklores, fairy tales, trickster tales and in some occasions art. Mutwa (1996:17) endorses that the Batloung people, as a form of preserving the natural environment, identified the elephant (*tloung*) as their totem. Consequently, it was their duty to ensure that elephants were not killed, but preserved. Throughout these processes, traditional leaders played a central role in providing the necessary directives that ensured that measures taken were proper and succeeding. However, "the introduction of governance systems from outside intentionally interrupted indigenous knowledge" (Semali and Lincheloe 1999:10) about the conservation of culture, nature and the ecosystem. The new and "superior" knowledge preferred the conservation ways, morals, customs and ways of knowing brought by missionaries as well as colonial rulers who colonised many of the indigenous peoples of Africa. In the process traditional stories and totems about nature and culture conservation were ignored and despised by emphasising a particular European-centered consciousness in African villages.

As indicated earlier in this article, the fact that the Constitution of the Republic of South Africa, Act 108 of 1996, only recognised the institution of traditional leadership without specifying its roles, the promulgation of legislation such as the Environment Conservation Act, No. 73 of 1989 and the National Heritage Resources Act, No. 25 of 1999, assists in unravelling this impasse. In terms of Section 8(1) of the National Heritage Resources Act, there is a three-tier system for heritage resources management, in which national level functions are the responsibility of the South African Heritage Resources Authority. Provincial level functions are the responsibility of provincial heritage resources authorities and local level functions are the responsibility of local authorities. Therefore, since the institution of traditional leaders' existence is cultural and traditional, affording *dikgosi* heritage management responsibilities at local level would be strategic and fitting. Furthermore, this will combat vandalism of cultural and natural resources, increase awareness of necessity for heritage couservation and denote the major and rapid changes in the areas of conservation, as well as the enhancement of social integration, including empowering previously disadvantaged and vulnerable communities and groups in communities.

8.   CONCLUDING REMARKS

One of the reasons why the problem of identifying roles for the institution of traditional leadership is not resolved or cannot amicably be addressed, is evident in the apparent belief amongst the South African politicians that the solution can only be provided within the Eurocentric framework. The fact that the South African Constitution, as the cornerstone of society, does not recognise the indigenous form of governance as equal to the Western mode of governance, promotes colonial domination at the expense of the indigenous. Accordingly, the misconception that traditional leaders and authorities are not relevant in the present dispensation and so will not be in the future, is established and nurtured by the present Western-orientated Constitution. In view of this, Keulder (1998:118) highlights that many chiefs feel that they have been humbled in favour of colonial forms, and that the civil servants are disrespectful towards them and their customs.

In addition to perceiving the Eurocentric framework as a tool to solving South Africa's governance problems, when the country attained its liberation in 1994, it took over the state apparatus developed by colonialism first and then by apartheid, and did so without changing or contextualising the way such a state thinks and operates. No wonder, one observes the continued marginalisation of indigenous African institutions, such as traditional leadership. Chinweizu (1975:163) adds that instead of serving the indigenous people as it is supposed to, this situation continues to serve "the interests of the absentee colonial masters". In this context the new government officials are persuaded by the West to act European and be responsible to imperialist interest and advice, that is, they should do nothing that might hurt their image as "responsible statesmen" (Chinweizu 1975:168). In return for their loyalty, these officials are called sweet names: the Great Hope of Democracy in Africa! The Great African Miracle! Thus, unsuspectingly, they hold up to the view of all flattering images of them as "wise", exemplary statesmen.

Therefore, in order to enhance the objectives of this discourse and as is evident in the foregoing discussions, the author commenced by conceptualising traditional leadership, African democracy and African Renaissance. In spite of the difficulty of defining the mentioned concepts, the author succeeded to find definitions that enlightened the discussions in this document. After conceptualising pivotal concepts, a brief historical view on the roles of indigenous African authorities was provided. Herein, the African pre-conquest governance was foregrounded as well as the later colonial impacts on it. It would not have benefitted this discourse if the constitutional provisions and the Municipal Structures Act's provisions were not discussed thereafter. A discussion of these Acts denoted what is legally due to the institution of Traditional Leadership as compared to elected councillors.

In an attempt to afford the deliberations herein some form of a balance, the author raised some of the pros and cons on the relevance of the institution of Traditional Leadership in the present democratic and globalised world. As an endeavour to contribute to resolving the traditional leaders impasse with regard to their roles at the local government level, the author also provided some suggestions which, if considered, would assist a big deal. These suggestions were around the role the institution can play in the African Renaissance and in natural and cultural conservation.

9.   SOURCE LIST

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