
TRADITIONAL LEADERSHIP

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FREEDOM HAS BROUGHT NEW OPPORTUNITIES FOR TRADITIONAL LEADERS

The first decade of freedom has created the opportunity for the recognition and restoration of the dignity of traditional leaders, and to give meaning to the principle that they are leaders because of the people.

The ANC government has created a new national house and provincial houses of traditional leaders to enable traditional leaders to input into relevant provincial and national policy.

The ANC government has taken steps to create a legislative framework, which recognises the role of traditional leadership in a democratic South Africa, consistent with the Constitution.

RECOGNITION OF THE ROLE OF TRADITIONAL LEADERS

Chapter 12 of the Constitution recognises the institution, status and the role of traditional leadership. This role should be in line with the Constitution and the laws of the country.

The Constitution also makes provision for a formulation of national legislation, which stipulates a role for traditional leadership at local level. The ANC-led government amended section 81 of the Local Government: Municipal Structures Act in 2000 providing an enhanced representation of traditional leaders in municipal council. They currently enjoy 20% representation in rural areas where there are traditional leaders.

Following an extensive consultative process, government recently adopted the White Paper on Traditional Leadership and Governance, which outlines government policy.

The policy says that traditional leaders should be custodians of traditions and culture. Their role in governance should be advisory, supportive and promotional.

Through the houses of traditional leaders they should play a meaningful role in the legislative processes and other matters affecting tradition and culture.

The legitimacy of those occupying positions within the institution should be beyond reproach.

LEGISLATIVE FRAMEWORK ON TRADITIONAL LEADERSHIP

To give effect to this policy, the ANC-led government passed the Traditional Leadership and Governance Framework Amendment Act in November 2003. This act recognises traditional communities and makes provisions for the establishment and recognition of traditional councils. It provides a framework for leadership positions within the institutions of traditional leadership. It also provides for the recognition of traditional leadership and mechanisms for the removal of traditional leaders from office, the roles and functions of traditional leaders and for the establishment of the commission on traditional leadership disputes and claims, and a code of conduct.

The significance of this act is that it restores the dignity of the institution of traditional leadership by integrating this institution to governance. For example, it makes provisions for legislation which impacts on traditional communities, traditional culture, customary law etc to be referred to the House

of Traditional Leaders either at a national level or provincial level, depending where such a legislation is being processed.

This act also aligns the traditional institutions to the constitution of the country. For example, it prohibits discrimination on the basis of gender and upholds and defends the rights of women by prescribing that at least a third of members of traditional councils must be women.

This act further puts the institution of traditional leadership at the center of driving development. For example, traditional councils are expected to facilitate the involvement of traditional communities in the development or amendment of the integrated development plan of a municipality in whose area the community resides. According to this act the other roles and functions of traditional leadership are to promote the ideals of cooperative governance, integrated development planning, sustainable development and sustainable development.

Through this legislation, the ANC-led government has effectively set out a national framework that will define the place and the role of traditional leadership within the new system of democratic governance.

This law restores the integrity and the legitimacy of the institution of traditional leadership in line with customary laws and practices and the country's constitution.

The ANC's 2004 election manifesto states that the ANC government will fully integrate the institution of traditional leadership into democratic governance and development

THE CHALLENGE FOR ALL OF US

We must, as a people of South Africa continue to redefine the role of traditional leaders in a democratic and changing society to ensure that they play an important role in partnership with elected institutions and the people for the development of communities.

Traditional leaders must play an important role in fostering the progressive and humanist elements of African culture, and promote the rights of cultural, linguistic and religious communities.