

TRADITIONAL INSTITUTIONS AND LEADERSHIP, MARGINALISATION AND THE SHAME OF THE SOUTH AFRICAN CONSTITUTION

Molepo, M . 2011. *Traditional Institutions and Leadership marginalisation and the shame of the South African constitution*. Mabutheto Literature: Ga Molepo

Introduction

When a friend of mine posed a question to me on the role and relevance of traditional institutions and leadership in democratic South Africa I immediately took the chance to share with him a crude perspective on being one of the members from so called royal families of post-apartheid South Africa. I had just finished listening from a mobile radio network, to a speech by a government official facilitating a seminar in preparation for an upcoming COP17 Climate Change Conference which was being broadcasted by SA FM's AM Live show.

Participation so minimal

“My dear friend, I am curious”, he continued while we sat down for an interesting exchange of ideas at a student cafeteria table on University of South Africa's Florida campus. I wasn't in the best of mental shapes for I had just listened to a monotonous and separatist investigation into

the real causes of climate change in today's world. Of course, the government official on the radio show had spoken at length about the intentions to involve all sectors of society in all discussions relating to the climate change topic. Those included, as reiterated by the flamboyant government official, the democratic parliament of the ruling party (the African National Congress), "civil society" and a bunch of environmentalists local and from abroad. "And did he mention the role of traditional institutions and leadership in all this?"- retorted the friend. Not that I heard of I replied, but *we must revert back to indigenous knowledge systems*. As we continued engaging on the subject, I could feel tension mounting in my nervous system since the participation of traditional institutions and leadership in democratic South Africa was such a sensitive issue, one that disproves of the popular belief that "South Africa had the best constitution in the world". Where they are involved, I continued with my answer, participation is so minimal it often amounts to a herd boy's duties. Almost seventeen years into post-apartheid South Africa there is irrefutable evidence of an axiom of awe, bitterness, fury, anxiety, shame and hopelessness in traditional leadership circles.

Hell no! It is not a ticking time bomb. The ruling party and its alliance partners have it under control, so they claim. Nevertheless, this essay is not an attempt to draw inspiration from the often glamorous ways embodied in most observer missions led by armchair critics, prominent political analysts and literary commentators alike. Neither is this a trajectory of an instrument to indicate a yearning for a shift of discourse arrested by a seemingly diabolic

nature of entrenched liberal viewpoints nor a sideways contest of an appeal for justice after the sentence has been passed.

A fertile ground for a revolutionary charge

For the dialectician, the debate is often very complex, the diagnostics streamlined on a continuum. In so far as the dialectic prevails, the challenge lies in finding a genuine voice that is not only critical but provides a probable proposition that will, in due course, act as a fertile ground for a revolutionary charge for the two centres of power remain diametrically opposed. On the one hand, there appears to be a symbolic centre of political and economic confluence acting out an all “inclusive” macroscopic labyrinth arrangement of democratic governance under the banner of nationalism with strategic output that ruthlessly undermines the underlying, almost invisible, microscopic mass structures of social and cultural confluence. On the other hand, there is evidence that even the surety of possible alternative governance influence with regards input, by the underlying microscopic mass structures of social and cultural confluence has long been destabilised and is at present, nothing but a lackey resident of political and economic influence coerced from the top-down.

“Nothing corrupts like money”, and that’s as far as actor John Kani has observed in the protest theatrical masterpiece *Antigone*. When interviewed on the relevance of the play, Kani continued by saying that “people who come to see *Antigone* today would realise that there are laws made God, by the ancestors and there are laws made by governments. When the two clash, tragedy is born”. An outright agreement with the statements by Kani could, and

I do get a sense, come across as frivolous and disgusting for those who find themselves in the bee hive of power where sweet tradition prevails over bitterness customs. For Mao Tse Tung, “the power that resides in the barrel is still his”. Such a direct association with Mao’s remark could also serve to remind us that access to such a deadly weapon(power) might not only corrupt like money but can be used as an instrument to instil fear into the hearts and minds of those standing in the direction the barrel is pointing at.

Having said that, I am also under enormous pressure, as I was when a question was posed to me by a friend about the role and relevance of traditional institutions and leadership the other day, to present my argument in such a manner that the reader in all possible diverse categories, does not view this piece of writing as just another futile exercise of a counter attack at the state with all its progressive missions and failed promises made to the nation in 1994. Mine is a naked perspective on the widespread marginalisation of traditional institutions and leadership in South Africa. The objective is simply to indicate to the reader that there are a lot of inconsistent injustices present in our highly rated constitution which continue to further entrench the existence of modern forms of governance at the expense of the traditional. However, it is also crucial to point out I do not intend to be too broad and overstretched in critical reasoning to such an extent that the content herein comes across as a wave of distraction from popular slogans such as “united in diversity” or “one law for one nation”. There is no doubt that we have a beautiful country that is vibrant with

Traditional Institutions and Leadership marginalisation and the shame of the South African constitution

all its different ethnic groups, racial composition and not to be found anywhere landscape and biodiversity.

My dissatisfaction and utter contempt with the cultural wellbeing of our nation stems from the realisation that we live in a society I am tempted to refer to as the open world of political, economic, social and cultural service and disservice. The national consensus on concepts such as democracy and the form of governance that is needed to implement mechanisms for the realisation of constitutional agreements made in 1994 is a puzzle on its own. The dissipation that comes with the prevalence of democracy as a concept and its influences on the way of life in traditional communities therefore, provides a point of departure for a further investigation into how the dawn of the “information age” and its complex realities poses a threat for the already diminished status of traditional institutions and leadership in our country.

Traditional communities and the information challenge

Information is such a resourceful tool which has the power to influence opinion at all levels when used strategically. Information is also crucial for people to understand their environment and make informed decisions in their daily interactions with themselves and the information systems made available for them. This understanding of the importance of information as an instrument of influence is clearly indicated by the emergence of state sponsored media such The New Age newspaper. But what’s the performance of the South African government in regard of the promotion of access to information as well as

continuous education offered for people to understand and give meaning to the constitution? Such questions are important to ask as we seek to understand how information is represented in the constitution for thorough popular opinion making. By the same token, it would be interesting to draw parallels and examine the use of the written word (a form of message storing used mostly by modern societies) against the backdrop of the existence of a large constituency of traditional communities prevalent in South Africa. Empirical evidence shows that an estimated 70-80 per cent of the South African population can be found in rural areas where oral traditions and indigenous knowledge systems are mostly used in the storage, communication, interpretation and use of information. What's fascinating about this revelation is that traditional institutions are said to preside over these rural communities who also make up a huge chunk of voters during elections for modern forms of governance.

As adopted on 8 May 1996 and amended again on 11 October 1996 by the Constitutional Assembly, the constitution of the Republic of South Africa 1996, remains “the supreme law of the land” with a symbolic vision preamble as follows.

we the people of South Africa, recognise the injustices of our past;
honour those who suffered for justice and freedom in our land;
respect those who have worked to build and develop our country;
and develop our country;
and believe that South Africa belongs to all who live in it;
united in our diversity....

Looking at the shortened preamble above, one is struck by the poignant observation of where we come from as a country and this is clearly indicated by phrases such as

“injustices of our past, honour those who suffered for justice and freedom in our land” etcetera. But how meaningful are these phrases in practical terms? Turn to page 119, Chapter 12 of the constitution of the republic and you will be shocked at the disputable facts revealed by a few lines of disservice on what the role of traditional institutions and leadership ought to be. With the five clauses carelessly written on “recognition”(clauses 211 of 1,2 & 3) and the role of traditional leaders(clauses 212 of 1 & 2) it is clear that the authors of the constitution committed an offence of negligence and misrepresentation thereby putting a blanket of oblivion on an important stakeholder going forward. There are many unanswered questions as to why traditional institutions and leadership continue to be so scantily represented given their position and status as custodians of indigenous knowledge systems and oral traditions. This deplorable informatics, are by way of psychoanalysis, a symbol of bad publicity and a further indication that the restoration of the image and pride of traditional institutions and leadership are not national priority. Moreover, this raises further questions about the cultural wellbeing of the South African populace, in particular, traditional communities. On the other side of the coin everyone can agree that the moral fibre of our society is under threat considering the many problems that our society faces today including amongst others, teenage pregnancy, incurable diseases and climate change.

What next?

That said, a lot of positive work has been done by the South African government to correct some of the

injustices as pointed in the previous section. Just to mention a few, The National Action Plan for the Promotion and Protection of Human Rights was rolled out in 1998 as a mechanism to facilitate and implement the clauses of the constitution. The Council of Traditional Leaders Act was also tabled followed by the less publicised Traditional Institutions and Leadership Act with structures such as the National House of Traditional Leaders and recently, the Department of Traditional Affairs and Cooperative Governance. However, these attempts seem to be failing as traditional institutions and leadership continue to experience widespread political and economic marginalisation through lack of consultation, subjectivity and shameful dependence on the state for food parcels and grants. There is much evidence to indicate the dissatisfaction and bitterness in the many complaints lodged with the Human Rights Commission and numerous conferences conveyed to deal with the issues raised herein and more. The situation on the ground remains as dire as ever, tension is mounting, depression the order of the day and a probable loss of faith in the African National Congress led government is manifesting itself into a lot of meaning in the silence.

In conclusion

It is therefore fitting to conclude that extensive research is needed to further investigate how the traditional way of life is influenced by modernity which in turn affects the perception the average man, woman and child has on Traditional Institutions and Leadership, effectiveness and popularity in the “information age”. The big question is:

Traditional Institutions and Leadership marginalisation and the shame of the South African constitution

do Traditional Institutions have the capacity and willingness to take up the challenge?

©2011 Mabutheto Precis

Mahlaga Molepo is an author, Library and Information Science scholar and executive member of Makhudu Traditional Council in Ga-Molepo, Limpopo province, South Africa.

Write to us: P.O Box 291, Mamatsha, 0879 Email: info.mabuthetoprecis@gmail.com