

Traditional Leadership in South Africa

Facing the Contradictions and Embracing the Realities

9th and 10th February 2012

Goedgedacht Farm

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Summary

Traditional Leadership was approached from two very different angles by the presenters; Mr. Cecil Le Fleur of the Griqua National Conference of South Africa relayed the historic struggle of the Khoi and San people to be recognised as indigenous or First Nation people of Southern Africa. Through this they wish to claim their rights to self-determination and to seek assistance in rebuilding the identity and dignity of the Khoi and San people who have suffered genocide and slavery in the past and have been left out of post-apartheid traditional leadership structures. Their fervent desire is to gain access to a legitimate platform to access their collective and individual rights and to have the freedom to practice their customs and traditions while evolving them to be in line with our constitutional democracy. They are debating if participating in the Traditional Leadership Framework Act could give them the platform they seek.

In contrast, Mr. Mazibuko Jara highlighted the pitfalls of three Acts that give undue and dangerous power to traditional leaders – The Traditional Leadership and Governance Framework Act, The Communal Land Rights Act (CLaRA) and the Traditional Courts Bill. Jara argued that these three pieces of legislation cement a version of customary law that was perverted to meet the aims of colonialism and apartheid. He showed how this legislation rolls back the will of democracy by re-enacting power relations from the past and create a “fourth tier of government” not catered for in the Constitution. The constitutional rights of people living under this separate governance system are violated in many ways and women are particularly disadvantaged.

The discussion noted the deep psycho-social need of human beings to find meaning in their identity and cultures and to have the freedom to organise themselves and access collective and individual rights. There was concern at how current legislation abuses constitutional rights and privileges traditional leaders with few checks and balances. While some wanted to see legislated traditional leadership abolished, the majority expressed a wish to retain what is of value in non-Western governance systems and to infuse them with the current values of our constitutional democracy through proactive citizenship.

Introduction

The Project Director, Ms Felicity Harrison, welcomed everyone to the first discussion of the year. The Goedgedacht Forum is dedicated to building democracy and transformation through dialogue with thought leaders from various fields. We believe that building networks of trust can achieve these ends. The Forum is a free space where people can share ideas openly and honestly with all discussion off the record. We ask that all are treated with respect and that all opinions be allowed.

This topic emerged through discussions between the Forum and the Wolpe Trust on hearing about the implementation of new legislation going through parliament¹ that raises interesting issues around tradition and culture. These are always contested and not value-free. In Africa, colonialism and apartheid have undermined traditional structures and ways of being. Certain practices have evolved with colonial powers that are antithetical with the Constitution. There are values of Western politics threatening traditional governance and vice-versa, resulting in a tension between culture and tradition and western modes of political arrangements. This need not be a binary situation; we believe that there is a way to merge them. Finding how is the challenge. Hopefully this is the beginning of a conversation and a journey.

Session 1:

Presentation:

Mr. Cecil Le Fleur: Chairperson: Council of Heads: Griqua National Conference of South Africa

Traditional Leadership in South Africa. Facing the contradictions and embracing the realities.

Good morning everybody. I can see that there are many interesting people around table - although I am presenting, I also want to learn from others today.

I grew up on the West coast where we only speak Afrikaans, so please bear with my English and my terminology, I will try to be clear. Many people don't realize an interesting fact that Afrikaans actually derived from Khoi Khoi and slavery; it is not the language of the Afrikaner, although they developed it into a scientific language. It began as an imitation of Dutch, now sometimes called *kombuis Hollands*, "kitchen Dutch". Still today you hear people refer to "Griqua Afrikaans" and you can hear it in the daily language when Griquas use words like "geid" instead of "heid".

I belong to the Griqua National Conference of South Africa, an indigenous organization established in 1904 in Cape Town by my Grandfather A.A.S. Le Fleur **(I)** the first, to administer and govern the affairs of the Griqua people. It was later that we heard of the establishment of organizations like the National Indian Congress and the African National Congress - they all come from the same historical background and worked together on similar issues.

¹ 15 January 2012 was the last day for public comments on the Traditional Courts Bill

My story is the story of the Khoi San. During this discussion I focus on the fact that the Khoi and San, as they prefer to be referred to, are descendants of the very first aboriginal people of this country. Along the way they got mixed with European, Malay and other African blood, so we're a mixed people today. But if you pose this question to anyone in the world, you will find that there is no pure race, we're all mixed. After 1652 van Riebeeck met with Khoi Khoi and later San peoples. For the first 110 years they only interacted with Khoi Khoi and their blood mixed only with these people. Later they met with other tribes on the bank of the Fish River. It is also notable that Khoi Khoi people in terms of complexion were never black – they were called “yellow”, they were small yellow people. I have been asked to speak on traditional leadership, the current debate is on traditional leadership but I will appreciate if discussion later on can focus on traditional versus indigenous leadership and the concept of individual and collective rights.

The history of the Khoi and San peoples of South Africa as first Indigenous Peoples, is characterized by conflicts and tensions caused by ethnicity, religion, culture and language. These conditions almost always led to loss of human life, forced loss of land, poverty and most importantly, the lack of affirmation, promotion or manifestation of diversity. The concept of diversity is very important for peaceful coexistence between different ethnic, cultural, linguistic and religious communities. In post-apartheid South Africa we are governed by a constitutional democracy that guarantees freedom of association and protection of culture and tradition, but how to translate that into a reality at the grass roots level is the challenge.

Democracy is driven by the majority. Democracy is driven by practice and respect of rights in an individual manner, while the indigenous Khoi and San people claim their rights in a collective way. If you argue along the lines of collective rights of a people, the minority indigenous groups can find it extremely difficult to assert their rights. This is how the notion of self-determination surfaces - our collective rights can only be protected by self-determination. We are painfully aware of difficulties and connotations of this concept in South Africa. Our wish for self-determination pertains only to the protection of our identity, cultures, traditions, languages and history. We also continue to fight to enjoy all the other individual rights others enjoy in a constitutional democracy. It is against this backdrop that the Griqua and other groups struggle for recognition of their identity.

In 1995 the Griqua National **Conference, under the leadership of Paramount Chief A.A.S. le Fleur (II)**, led a delegation to Geneva, Switzerland, to ask the United Nations, through the UN Working Group on Indigenous People (UNWGIP), to listen to our plight. **We** brought to their attention that despite the new dispensation and all of the freedoms that it had brought with it, our freedoms and rights were still not recognized in South Africa. While African traditional leaders and their structures had been recognized and the House of Traditional Leaders had been established at national, provincial and local levels, the Grikwas and others had not been allowed to become a part of these structures. **We must admit that we** did not fight to become a part of these structures, but we did want to be **legally** recognized as indigenous leaders with indigenous structures.

The only outcome of that epic journey by the Griqua National Conference to Switzerland was the establishment of a Griqua National Forum two years later in 1997 in Kimberly, followed by the National Khoi-San forum in 1999 in Upington. Up until today these two non-statutory bodies have gained no legal recognition.

It is widely known that Traditional Leadership dates back centuries, even millennia, in South Africa. This is accepted in post-apartheid South Africa. It is important to recognize that such a deeply rooted governing system cannot easily be replaced and so should peacefully coexist with our democratic dispensation. We see this co-existence in other places too – for example in the United Kingdom.

Identity is not always determined by your gene pool, it has much to do with the common vision language, and history arising from geographic communities, who are bounded into the same identity. Within communities norms and practices develop **over time** and become customary law and traditional leadership oversees customary law. For the Griqua People, the roles and functions of Traditional Leaders only have bearing on issues such as arts and culture, land affairs, agriculture, economic development and environment and tourism. Under culture, we manage our own heritage sites, sacred places, cultural festivals and see to the development of language etc. The Traditional Council is headed by a traditional leader, such as a King or Paramount Chief. The Traditional Leader deals with community customs, supports the municipality in the identification of community needs, makes recommendations on service delivery, participates in policy and legislation, promotes indigenous knowledge systems for sustainable development and ensures that there is respect and practice of customary law in a way that is fair and humane.

There is much argument about this last point because sometimes customary law is not humane, fair or equal. It is important that traditional institutions must strive to be in harmony with the constitution and Bill of Rights to promote these values along with non-sexism, which is a major issue. In addition, nation building is also very important.

Act 41 of 2003 is still the Act that governs the national House of Traditional Leaders and the local Houses. The new Traditional Leaders Bill will replace this Act once it is enforced. According to that Act, the head of Traditional Leaders exercises limited powers, e.g. maintaining law and order, consulting with traditional communities and advising government on traditional affairs through the Houses. This whole system of traditional institutions is toothless; it is only advisory and has no power in parliament – it can ask the President to listen and apart from this has no further power. Traditional leaders are spokespersons, symbols of unity and custodians of general customs.

We have noted two burning problems:

- 1) Is it possible to hold institutions with no elective base accountable to the people? This is where conflict arises in the language of democracy and

2) How to deal with gender representation and ensure that these institutions are in line with the principles of equality enshrined in the Bill of Rights and the constitution. How do we deal with the fact that women are discriminated against with regard to **succession**?

These are burning issues. I would like to hear opinions on these.

There are further challenges – for example, we have debated if these institutions can respond and adapt to change, be in harmony and strive to enhance indigenous values, unity and peace. Also, if such institutions can facilitate strong relationships with local government structures. It is interesting to note that these are rural structures or seen as rural issues. However, rural communities have been relocated to cities and still want to enjoy traditional institutional rights in city life. They are in a process of developing into their own traditional authorities but they are not seen to be a part of the new Bill that is being debated.

My main objective today is to engage in discussion to teach and empower. I am looking forward to an interesting debate.

Emerging Themes

A need for healing

There is a need for healing of oppressed people and the historical development that was so abruptly interrupted. The question needs to be asked: How do we collect things that have been scattered and retrace historical meaning of the world? A struggle for material stability is only one aspect of our current task: how we make sense of what we have, our quality of life and social cohesion are even more important questions. The presenter was able to retrace the struggle of his people back many generations and his telling of their history shows how the struggle for the recognition of identity is about the dignity of people.

Self-determination and collective rights for indigenous peoples

The definition of “indigenous” is an issue all over Africa where everyone could possibly be considered indigenous. In the South African context, the first Xhosa and Zulu people arrived 2000 years ago from the north into the territory and became indigenous. The African line of argument that “we are all indigenous” often stems from states that got their dependence back from the colonialists and they argue along the same lines as the Europeans. Take the history of the Batwa in Burundi for example – we hear of the genocide of the Hutu and Tutsis but not of the indigenous Batwa. They are non-existent as an identity to the new government.

In 2005 the United Nations Special Rapporteur for the Indigenous **Populations** came to South Africa and met with the Khoi San. In a meeting with government he was told that we are all indigenous in South

Africa and so the Khoi San have no special status. This is why the Khoi and San speak of First Indigenous People².

The UN recognizes indigenous peoples that are indigenous to their geographic areas and recognizes their right to self-determination. The Declaration on Rights of Indigenous People has been debated for almost 12 years in the United Nations. The United States, Britain, France, Australia and New Zealand have opposed it vigorously because the consequence of such recognition is grave for them.

When we speak of indigenous peoples we speak of collective rights and this is also problematic because we speak about 'a people', *volk*, not persons. This has implications around how to assert these rights in a collective manner as well as political and economic implications. For example, a people can make claims to massive tracts of land; the Griqua could legitimately lay claim to the whole of Kimberly. This is not the aim of seeking First Nation Status, however, but rather the restoration of dignity.

There is no doubt that the Khoi and San were the first inhabitants of southern Africa. However the government is yet to recognize this politically and constitutionally.

Indigenous versus Traditional

The Khoi and San can use the opportunity of the Framework Act to gain recognition, however, the preference is to be recognized as 'indigenous', rather than 'traditional'. Participating in traditional leadership structures will impact the Khoi Sans' notion of being indigenous, the desire for self-determination and the arrangement of their leadership structures.

Women in indigenous and traditional societies

It is interesting that in South Africa woman have historically been left behind in rural areas while men migrated for work. Despite this, women have not generally been elevated to **sucession** into leadership, which still falls to men. Gender inequality is a serious obstacle to embracing traditional leadership in the modern context, one that is sometimes less obvious than problems around the undemocratic nature of Tradition Leadership. This is not peculiar to South Africa but is a problem that many indigenous societies are grappling with. Many women are not even clear on their position on this. Careful consideration needs to be given to this issue and how changes will affect the traditional institution.

Urbanisation

Issues related to traditional leadership are generally thought of as rural concerns. However, urbanization does not sever people's ties with their cultures and leadership.

SUMMING UP

² First Nation status is a concept from Canadian indigenous peoples.

Three clear themes have emerged: firstly, we are talking of issues of meaning and how the quest for identity is a quest for meaning and dignity; secondly, we are highlighting serious political issues with nation building and who claims ownership; and thirdly, the serious implications this has for governance, accountability, equality and fairness.

Session 2:

Presentation:

Mr. Mazibuko Jara: Research Associate: UCT Law, Race and Gender Research Unit

Neo-apartheid citizens or subjects?

The contradictions and realities of Traditional Leadership are in essence issues of African identity and a yearning for restoring what was destroyed by colonialism and apartheid. This is legitimate and appeals to a wide range of people. Unfortunately, however, there is a blurring of issues. To put my bias upfront – I do not think that traditional leaders should have power; it is no longer possible to go back to old ways. What we do when we seek to restore what was destroyed is to cease to think critically about the political and economic underpinnings of traditional institutions. It is necessary to enter this debate considering the political economic foundations of traditional institutions. In this regard, the following needs to be considered:

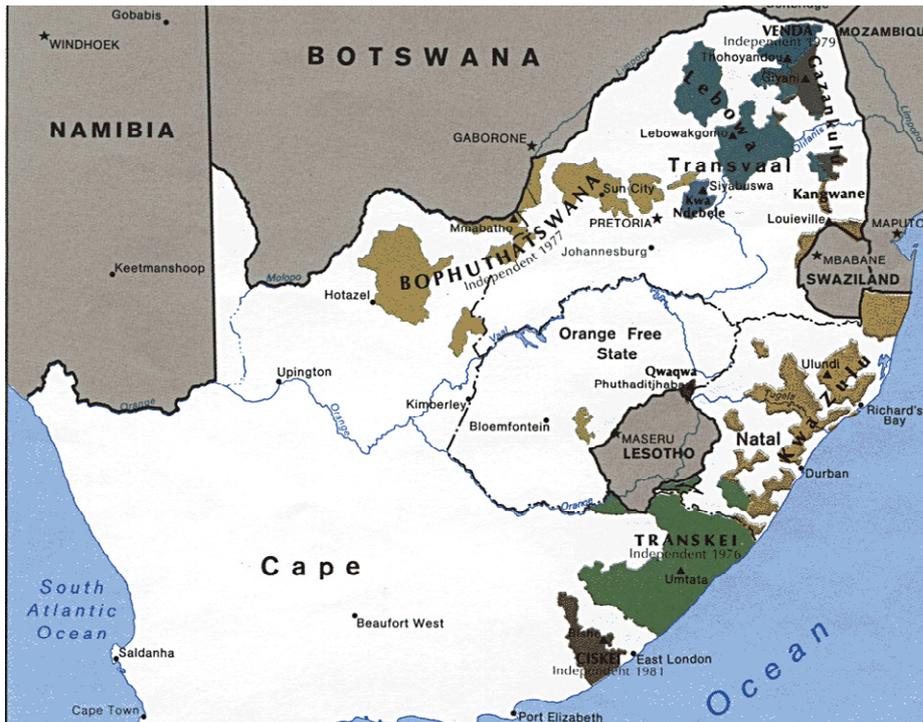
1. Power and the state, governance, origins of state and the interests that come to bear centred around authority,
2. The control of surplus, for example through fines, lebola etc.
3. Social constructs, such as gender questions, the role and divisions of labour and how these are articulated with power, and
4. The control of labour, particularly of women and children.

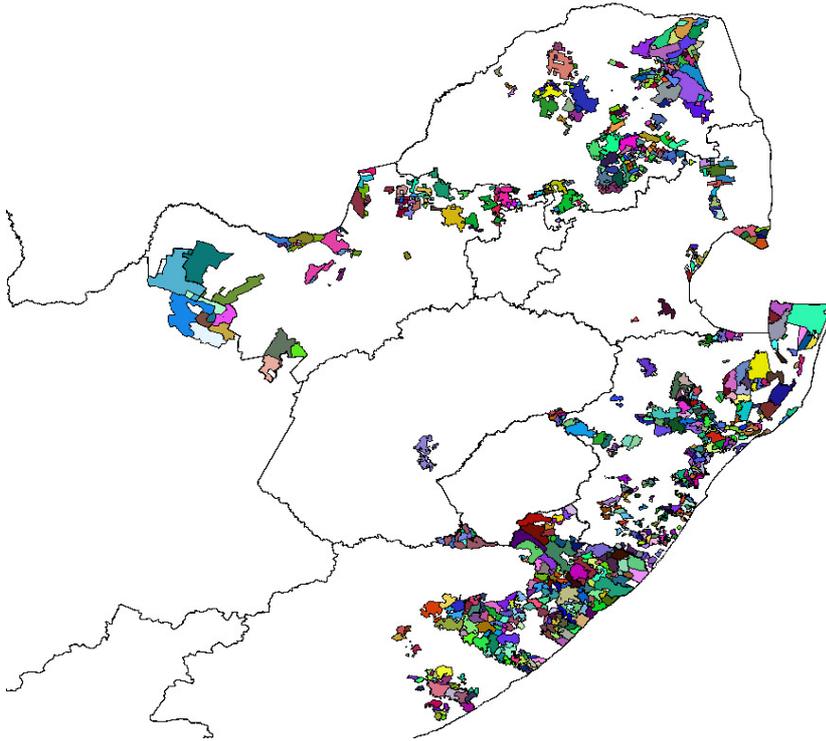
My main argument is that we seek to restore citizenship without thinking of the “ghosts from past”. Sections 2.11 and 2.12 of the Constitution speak to Traditional Leadership - they recognize customary law subject to the Constitution and designate a future role to be defined by future law. The best approach to the ambiguity of these provisions is to see this not as a binary issue, but rather as a dialogue between our modern Constitution and historical customs to evolve over time.

However, post 1994 traditional laws roll back the will of democracy by re-enacting power relations from the past without recognizing current life and how people want to be governed. Through these laws traditional leaders continue to hold sway in rural areas, which is different from what was happening in the late 1980's, until these laws brought them back. The result is a hollowing out of democracy and the

reinforcement of ethnic identities in problematic ways that builds on the apartheid scheme. Ethnicity is incorporated and benefits accrue to the elite and powerful.

The democratic struggle continues today. Below is an apartheid homeland map – the darkest brown spots of poverty coincide with the homelands. In the next map the former homelands are gone, with economic activity happening in the red spots. It is notable that maps of traditional councils in terms of the Governance Act coincide exactly with the Homeland Acts.





The maps indicate a restoration of homelands and apartheid boundaries where all black people continue to live in a different system to other South Africans - 22 million people living under a different system to the rest. The British wanted to recognize leaders to control and manage the natives and this is reinstated. The Colonial native policy of 'indirect rule' was embodied in three specific institutional reforms:

- 1) recognition of traditional leaders (Native Administration)
- 2) establishment of Native Courts
- 3) Native Treasuries to which indigenous leaders collected taxes from their subjects

Frederick Lugard. 1922. The Dual Mandate in British Tropical Africa. Edinburgh, William Blackwood and Sons

What they did was codify ethnicity and fix tribal boundaries. Native or black law and custom meant whatever served the state at the time and centralized power in a powerful tribal ruler with relative sovereignty. Chiefs were used as collectors of colonial taxes or as mobilisers of labour for the mines. Boundaries were fixed and determined by the interests of the State and limited secession became the primary form of accountability.

This appropriation distorted customary systems and then apartheid took over and worsened pre-existing undemocratic, sexist and repressive elements while removing forms of accountability. What has

been practiced for the past hundred plus years has been perverted and co-opted by past regimes and changed how these systems work.

The outcomes of these distortions are that Traditional Leaders were co-opted by colonial and apartheid regimes through a process of conferring statutory powers on them. People became subjected to colonial and apartheid systems of statutory control through “relative sovereignty”, particularly at local government level. These powers and statutory structures formed the building blocks of the homeland system.

The constitution speaks to the role of traditional leaders in Section 2.12 and says:

- 1) National legislation may provide for a role for traditional leadership as an institution at local level on matters affecting local communities.
- 2) To deal with matters relating to traditional leadership, the role of traditional leaders, customary law and the customs of communities observing a system of customary law
 - a) national or provincial legislation may provide for the establishment of houses of traditional leaders; and
 - b) national legislation may establish a council of traditional leaders.

In *Certification* judgment, the Constitutional Court held that the ‘role’ of traditional leaders does not include the governmental role they played in terms of Black Authorities Act (68 of 1951). The Constitution recognises traditional leaders, but in their residual, customary roles without governmental or developmental powers or roles. Sections 2.11 and 2.12 contain important judgments in the Constitution by giving traditional leadership limited power, however post-apartheid laws on traditional leaders go beyond the constitution.

The Traditional Leadership and Governance Framework Act (TLGFA), Communal Land Rights Act (CLaRA) and the Traditional Courts Bill give significant power to traditional leaders against this earlier judgment. These three pieces of legislation create a fourth tier of government not provided for in the Constitution, conferring governmental, developmental and judicial powers and roles to traditional leaders.

The Framework Act

The Traditional Leadership and Governance Framework Act deems all tribal authorities as traditional councils, entrenching the status quo of 1994 and ignoring disputes about boundaries, imposed tribal structures, ethnic groups, etc. It applies wall-to-wall in homeland rural areas even where there are freeholders or Community Property Associations (CPAs).

It hollows out democracy in rural areas, for example, in the Eastern Cape the election of the headman has been outlawed. There is also incomplete democratization – only 40% of new traditional councils must be elected while 60% are to be appointed by the traditional leader and typically these are family members. Representation of women is downward from 30%.

Section 20 of the Act gives a lot of reign for responsibility, devolving 15 areas of responsibility to traditional leaders:

- *“National government or provincial government may through legislative or other measures, provide a role for traditional councils or traditional leaders in respect of a range of matters, including arts and culture, land administration, agriculture, health, welfare, the administration of justice, safety and security, the registration of births, deaths and customary marriages, economic development, the environment, tourism, disaster management, the management of natural resources and the dissemination of information relating to government policies and programmes”*

Communal Land Rights Act

The Communal Land Rights Act (CLaRA) operates within the same boundaries as apartheid boundaries and is administered by Land Administration Committees. These committees can be equated with Traditional Councils. There are a number of problematic issues in the Act, including issues of security of tenure, the definition of community and the control of land by traditional leaders. The Act was struck down by the Constitutional Court on procedural grounds. The judgment did not deal with the aforementioned substantive issues and these remain contested.

Traditional Courts Bill

Again, this Bill has the same apartheid boundaries as areas of jurisdiction. The Bill posits rural government as the traditional court and the law maker is the court, prosecutor and judge. The centralisation of roles and the fact that there is no separation of powers violates constitutional rights. There is no representation of the accused and there are limited grounds for appeal. In addition, gender issues are problematic within this system and there are no women in traditional court structures. It represents a distorted version of customs, especially in that the multi-layered nature of customary systems for dispute resolution, which creates checks and balances, is ignored.

Conclusion

There is no debate around the need for recognition of the status of the Khoi and San. However, this Act does not give that recognition; it just co-opts the Khoi and San into this system, expanding the scope of Framework Act. The Communal Rights Act gave rights to control communal land but the Bill coming up is far worse than CLaRA and the past Act – it violates the separation of power and many, many other constitutional rights. It takes the canvas given by apartheid and renames them as three new Acts. Custom is changing and customary law is changing but the current laws take us back and freeze us in an old perverted system. Consequently there can be no democratic transformation of rural societies, no self-agency or empowerment of rural communities or people-driven rural development. The Framework Act is a step backwards; it seeks to address the crisis of failure of local government by giving power to traditional leadership using the narrative of restoring African identity as if it was not distorted.

Emerging themes

Is there anything of worth in Traditional Leadership?

What is the relevance of Traditional Leadership today and how do those living under these structures experience them? The next, more urbanized generation finds little of value in these institutions. In addition, the idea that “Traditional Leaders are custodians of culture” is not a reality. People practice culture within the family, clan and village and this lived culture is vastly different from models transmitted from a body such as CONTRALESA. Conflating culture with traditional leadership structures freezes culture and renders it inflexible. Those who reject these structures are made to feel that they are rejecting their roots. Colonial and apartheid boundaries have installed leaders that are not representative of all the peoples within their jurisdiction and despite this, people to continue to practice their culture in the absence of their leaders. Rather than giving power to these structures, there needs to be one platform to express issues around development and the foundation must be constitutional rights.

However, there is also a need to take note that traditional institutions have been operating for thousands of years and are still in existence, so they must hold something of value. There are those that have divested powers in their chiefs who can and should play a role in democratizing the country. If we understand culture as something that is malleable, rather than fixed or elevated to the status of religion, it is possible to retain what is good in these non-Western systems of governance. The leadership also needs to be brought in line with the wishes of their people and even now, there are instances of chiefs that are genuinely concerned with the welfare of their people and work toward their upliftment. Unfortunately, there are also hundreds of documented violations that could soon go to court.

Should the Khoi and San seek legitimacy through the Framework Act?

The Khoi and San have fought hard to be included in Traditional Leaders Structures to gain some kind of platform from which to argue their points in the light of their utter current powerlessness. Some argue that if the Bill in some way recognizes the Khoi and San, even though it may not be in the ideal way, then they can make use of the conventions of the United Nations. Others feel that the strategy should be to stay out of the Bill and to rather go for indigenous status. But then there is the concern that it could be another 20 or 50 years to get at least something for the people.

The Khoi and San should take into account that the Bill will give them limited recognition when something more fundamental is needed. Firstly, there must be recognition of Khoi and San in law of their First Nation Status. There must be acknowledgement of genocide and slavery and therefore reparation. There must be an acknowledgement of their unique circumstances; other peoples did not experience the same extent of people being wiped out. Significant government resources need to be made available to promote development, culture, language, etc. The National Traditional Affairs Bill does nothing of this; it only recognizes the Khoi and San in words and then co-opts them into the model of the Framework Act which is problematic. Thought needs to be given to what kind of institutions are appropriate and what popular memory recalls about how these institutions worked. The next step is to

see how to infuse democracy into those. There is a need for rediscovery and the creation of a law and framework that allows for that.

Access to justice

Legally speaking, the Traditional Courts Bill should replace the Native Administrative Act, Section 20, which governed how tribal authorities deal with disputes, repealing apartheid law. Creating access to justice is the other reason for the Bill. It is also recognition of traditional courts. The justification is not problematic, but is consistent with the consultative process that was undertaken that identified a need for community-based dispute mechanisms and a national framework for commonality on community rights. However, when you look at the three objectives of the Bill and the content, they do not relate. What is highly problematic is that the Constitution and customary law often differ and in many cases customary law will be upheld while violating Constitutional rights. This is particularly so with women's rights. People who reside within certain jurisdictions cannot opt out; their cases can only be heard in a traditional court. If a dissatisfactory judgment is reached, it is almost impossible to appeal because the magistrate almost automatically confirms judgments given by traditional courts.

The Bill also distorts customary dispute mechanisms which are multi-layered, allowing for checks and balances. In the past, Traditional Councils were comprised of a general assembly of all men (circumcised and married). The Chief's council was not chosen by the chief and represented a wide array of community interests. However, traditional councils today go back to the Tribal Councils Act, allowing the chief to appoint his council; these are mostly family members. Currently up to 40% of members can be elected and rotated. There has not been enough consultation on this Bill with those who will be affected by it.

Crisis of delivery and confusion over accountability for non-delivery

The government is conveniently handing over power to traditional authorities in the face of a crisis of non-delivery in the rural areas. There is confusion at grass roots over who is responsible for service delivery. It must also be noted that our expectation of government is sometimes unrealistic as there is a need to look after the needs of so many diverse peoples.

Lessons from other African countries

The same model persists all over Africa where post-colonial urban democracies have failed to address the issue of rural subjects and have used past structures to further their own agendas. In Botswana, control of land has been removed from chiefs and in Tanzania all the chiefs have been removed. In some countries, such as Lesotho, the vote has shown people moving away from their traditional allegiances.

SUMMING UP

We have heard two strong voices – one spoke of a real and deep drive for recognition and acknowledgement of the status as Indigenous First Peoples to reclaim dignity and for the restoration of rights that have been violated. This needs to be met by proper legislation and legalizing the status of Khoi and San. The other voice spoke of the dangers of confusion and fusion of two government systems

that are not compatible, ultimately giving power to people that are not in line with democratic constitutions and creating a fourth tier of government. There is a need for the recognition of identity and freedom to express and organize ourselves, but the moment one attaches power and control it becomes a political issue that is far removed from the socio-psycho need for identity.

LESSONS LEARNT

Traditional leadership is irrelevant in today's society because it is out of step with the Constitution and sets up a system where benefits accrue to the elite. More inclusive, democratic and representative structures would be more appropriate with stronger presence and efficiency from government in rural areas.

The recognition of identity remains a powerful need for many people and this need is just as important as material stability. Traditional institutions can be evolved through means such as legislation and education to respond to the current needs of society. We should note that democracy can also be heavily criticized. We should not throw out our histories in a belief that they are backward but rather seek to retain what is of value in them. There is need for space for dialogues within communities themselves, a space for remembering popular history and giving social momentum to the youth so that they can claim the space. It should not be history but a social movement.

A precedent has been set where other traditional communities have been recognized in law and the Khoi San have asked for this to be extended to them. This could be a Pandora's Box for the Khoi San. They are deprived of institutional arrangements within the culture (these having been completely wiped out by the colonialists). The Khoi and San need a structure from which to rebuild identity and social structures. It is time to reconstruct identity not from a place of victim hood, but from a place of strength. Struggling for the term "First Indigenous" to be recognized by government is not an attempt to disenfranchise others from their own heritage; it is about reclaiming what was taken and moving forward from a position of strength.

END