

Legislative Initiatives and Provisions on Traditional Leader's Role in South Africa: Imperatives and Implications

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Abstract

What is the role of traditional leaders under South Africa's law? This paper analyses the relationship between historical contingencies and political ideals as instrumental factors of policy making. The recognition of traditional leaders in South Africa's new Constitution proffered the debate between the modern constitutionalist – who sees it as anachronistic and conciliatory – and the traditionalist, who argues for cultural rights. Given the fluidity that culture embodies, it also enquires what implications ensued in the following years in the state and society's interfaces concerning legal developments. The study uses exploratory research based on primary and secondary data. It looks at the public debates on the laws of the republic and interviews with academicians. Secondary data relies on historical sources, cultural studies, and think tank publications on the issue. Preliminary findings suggest that political structures and their agencies are consequent upon historical contingencies, particularly from a political economy perspective.

Presenter

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Shimreisa Chahongnao is a PhD candidate in the Centre for African Studies, School of International Studies, Jawaharlal Nehru University, New Delhi, India. He pursued his scholarship under the Research Fellowship (NET/JRF) of the University Grants Commission, Government of India. His research interests are methodology, democracy, globalisation, postcolonial studies, culture, policy analysis, cognitive anthropology and ethnicity.

Discussant

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Dineo Skosana is a senior researcher and project leader for the Nature and Society cluster and coordinates the coal project which investigates South Africa's transition from coal to renewable energy at Society, Work and Politics Institute (SWOP). She holds a PhD in Political Science from the University of the Witwatersrand. She has previously worked and published extensively on the continued salience of traditional leadership in post-apartheid South Africa. She has an interest in indigenous politics, rural struggles, as well as politics over land, sacred sites, heritage and belonging.