

FOREWORD

I regard writing a foreword to this monograph as a privilege. Limpopo has a large rural population base and is steeped in traditional customs and rituals. Given this scenario, it is not surprising that traditional leaders have strong links with communities. Moreover, the current democratic dispensation recognises the institution of traditional leadership. The Traditional Leadership and Governance Framework Act 41 of 2003 even obliges the state to protect the institution of traditional leadership.

Despite this recognition and the strong relationship that traditional leaders have with traditional communities, there has been limited progress in practically accommodating the institution in the current structures of governance. This is important given that some traditional practices may affront the constitutional ethos espoused by the current order. There is a need, therefore, to line practices of traditional leaders with the human rights culture, the democratic ethos, and constitutional rights and privileges that promote gender equality and respect for human rights.

On the one hand, the study demonstrates some glaring weaknesses in our justice system. On the other, it exposes undemocratic practices inherent in the institution of traditional leadership. These undemocratic practices have already been recognised by the legislature in the Act quoted above. The Act acknowledges the potential role that traditional leaders can play in the current dispensation. While this Act sets a framework, the South African Law Reform Commission is busy investigating ways in which their role in dispensing justice may be improved. This resonates with one of the core findings in this research, namely: the need to facilitate the democratisation of the institution of traditional leadership and to bring it in line with the Constitution.

There is still a long road ahead, but the first steps have been taken and this will gain momentum as more and more people realise the importance of the traditional leaders in promoting the institutions and precepts of equity, justice and fairness in all matters under their adjudication. This study will contribute

to the current debate on the role of traditional leaders in the administration of justice.

Mention must be made of the continued collaboration between the ISS and the Research Unit of the Department. This team effort contributes to the strengthening of the unit and facilitates the capacity of research to be undertaken in the province.

A handwritten signature in black ink, appearing to read 'Magadzi' with a stylized initial 'M'.

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