



MEMORANDUM

THE MINISTER

**FIRST QUARTERLY PERFORMANCE REPORT OF THE COMMISSION ON
TRADITIONAL LEADERSHIP DISPUTES AND CLAIMS FOR THE PERIOD 01
APRIL - 30 JUNE 2013 OF THE 2013-14 FINANCIAL YEAR**

1. PURPOSE

To present the fourth quarterly performance report of the Commission on Traditional Leadership Disputes and Claims (CTLDC) for the period 01 April to 30 June 2013.



2. BACKGROUND

The Commission on Traditional Leadership Disputes and Claims was established in terms of section 22 of the Traditional Leadership and Governance Framework Act, 2003 (Act 41 of 2003). Furthermore, the Commission is required to submit quarterly performance reports to the Minister in terms of legislation covering all aspects of its activities.

3. DISCUSSION

- 3.1 The Commission focused on developing reports for all the public hearings that were conducted during the previous quarter. The Commission is continuing to defend the decision of the President of the Republic of South Africa regarding the findings of the previous Nhlapho Commission.
- 3.2 Provincial Committees have considered claims delegated by the Commission. The Committees have conducted public hearings, interviews and circulated questionnaires as part of gathering information (research).

3.3 A total of 92 claims were considered during the quarter under review.

4. RECOMMENDATIONS

It is recommended that the Minister-

4.1 takes note of fourth quarterly performance report of the Commission on Traditional Leadership Disputes and Claims for period 01 April to June 2013.



MR. B. J. Tolo
CHAIRPERSON: COMMISSION ON TRADITIONAL LEADERSHIP DISPUTES AND CLAIMS


DATE: 19/07/2013



Prof. M.C Nwaila
DIRECTOR-GENERAL: DEPARTMENT OF TRADITIONAL AFFAIRS

DATE: 23/7/13

Noted. Can the relevant officials please provide us with a short note regarding the matters raised in paragraphs 3.1 (bullet 3 - prov. legislation), 3.5, 4 and 5. of the report.



MR. A NEL (MP)
DEPUTY MINISTER FOR COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

DATE: 24/7/13

3.3 A total of 92 claims were considered during the quarter under review.

4. RECOMMENDATIONS

It is recommended that the Minister-

- 4.1 takes note of fourth quarterly performance report of the Commission on Traditional Leadership Disputes and Claims for period 01 April to June 2013.

MR. L TSENOLI, MP
MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

DATE:





**QUARTERLY REPORT FOR THE PERIOD APRIL TO JUNE 2013 OF THE
COMMISSION ON TRADITIONAL LEADERSHIP DISPUTES AND CLAIMS**

1. Background

This report is submitted in terms of section 24B(2) of the Traditional Leadership and Governance Framework Act, 2003 (Act 41 of 2003) (the Act). The report covers the period from 01 April to 30 June 2013.

The Commission on Traditional Leadership Disputes and Claims was established in terms of section 22 of the Act to resolve disputes and claims of all levels of traditional leadership within the period of five years starting from 01 January 2011 to 31 December 2015.

The Commission operates nationally in plenary and provincially in committees. The provincial committees deal with disputes and claims delegated to them by the Commission in terms of section 25(6) of the Act.

2. Mandate

The mandate of the Commission is derived from sections 25 and 28(10) and (11) of the Framework Act read with the relevant sections of the Commissions Act, 1947, (Act No. 8 of 1947).

3. Performance of the Commission

3.1 Meetings of the Commission

The Commission held two meetings during the quarter under review. The aim of those meetings was amongst others to:

- **Consider the previous quarterly report and the annual performance of the Commission**
 - The Commission noted that it finalized 241 instead of the target of 300 claims. This is attributed to the delay in the establishment of some provincial committees.

- The Commission acknowledged that a few number of Kingship claims are outstanding. This will be attended to during the current financial year. The Commission resolved to engage the MECs' in the provinces of Mpumalanga and Limpopo to discuss gaps in provincial legislation which require amendment.

The Commission resolved that it will attend to 100 claims of traditional leaders in the province of Limpopo as part of assisting the said committee.

- A monitoring tool will be developed by the Commission during the next quarter to manage performance and to ensure timeous intervention.

3.2 Mediation by the Commission (King Mota and Morena Sekonyela)

The Commission attended a meeting with the King of Batlokwa and Morena Sekonyela with the intention of mediating and ending their feud. The reason for the meeting was that the Free State Provincial Government did not facilitate the meeting between the King and Morena Sekonyela as was suggested by the Commission. In the meeting between the commission and the above mentioned Morena an agreement was reached that they will forthwith cooperate. It was further agreed that this cooperation will be communicated to the community Imbizo facilitated by Morena o Moholo.



3.3 Progress on Kingships

The Commission finalized all the reports and forwarded same to both the President of the Republic of South Africa and the Minister as per the process defined by the Minister. However, as part of quality assurance, the Commission re-considered some reports where more detailed information was required in order to clarify the findings of the Commission.

3.4 Resolution of Ba Hurutsi ba Moiloa disputes: meeting held at Dinokana

The Commission attended a meeting with the North West Executive Committee of the Provincial House of Traditional Leaders. The purpose was to clarify the process of the Commission to all concerned including the disputing faction of the royal family. The meeting went well and the royal family raised serious concerns about the administration of North West but appreciated the Commission's determination to prioritize their claim. The Commission expressed its reservations on the manner in which the North West Traditional Affairs Chief Directorate was conducting its administration over issues affecting traditional leaders. The Department of Traditional Affairs should consider intervening in order to curb any issues from reaching a boiling point like the one of Dinokana.

3.5 Rules and Orders of the Commission

The Commission developed its rules and orders before Committees were appointed. The said rules and orders were tabled before the Committees and a Task Team was appointed to finalize them. A Task Team meeting was held (4-5 June 2013) in Durban to consolidate the inputs received from committees. The final rules and orders of the Commission will be considered at the next plenary.

3.6 Provincial Committees

3.6.1 Mpumalanga

In the Mpumalanga province 23 claims and disputes were dealt with and the same number referred to the Premier for a decision.

3.6.2 Eastern Cape

In the Eastern Cape Province 18 claims of Traditional Leadership were dealt with and the same number referred to the Premier for a decision.

3.6.3 North West

In the North West Provincial Committee, 5 claims of traditional were dealt with and the same number referred to the Premier for a decision.

3.6.4 Limpopo

In the Limpopo province 25 claims of Traditional Leadership were dealt with and the same number referred to the Premier for a decision.

3.6.5 KwaZulu-Natal

In the KwaZulu-Natal province 21 claims of Traditional Leadership were dealt with and the same number referred to the Premier for a decision.

General Performance of the Committees

The performance of the Commission is satisfactory taking into account that 92 claims and disputes were processed. A total of 90 claims and disputes per quarter should be finalized in order to achieve the 360 annual performance target. The Commission has to effectively support all provinces in order to realize the target on time including the fifty nine (59) claims and disputes that were not achieved during the previous financial year. The monitoring tool to be developed and operationalized by the

Commission before the end of the third quarter will ensure that the Commission is able to intervene and assist any provincial committee on quality and target.

4. Progress on Kingships referred to court for review

The government has defended the Matiwane case held at Mthatha High Court. It further conducted a legal consultation regarding the amaRharhabe High Court Case. The Constitutional Court upheld the AmaMpondo appeal. The Department of Traditional Affairs is still studying the judgment and will find a way to implement it.

5. General Challenges

Additional research and administrative capacity is required at both the national and provincial committee levels. In some provinces there is serious shortage of office space for example in Mpumalanga.



Mr. BJ Tolo

Chairperson: Commission on Traditional Leadership Disputes and Claims

Date: 19/07/2013

