



traditional affairs

Department:
Traditional Affairs
REPUBLIC OF SOUTH AFRICA

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SUBJECT	FOURTH QUARTERLY PERFORMANCE REPORT OF THE COMMISSION ON TRADITIONAL LEADERSHIP DISPUTES AND CLAIMS FOR THE PERIOD 01 January 2013 -31 March 2013			
DRAFTER	MR ABRAM M SITHOLE			
BRANCH	TRADITIONAL AFFAIRS			
DIRECTORATE	COMMISSION ON TRADITIONAL LEADERSHIP DISPUTES AND CLAIMS			
REFERENCE NO.	19/3R	TEL/CELL	082 551 2644 012 334 4901	

ROUTE	SIGNATURE	DATE	DATE RETURNED
SECRETARY: CTLDC MR AM SITHOLE		12/04/ 2013	
DIRECTOR GENERAL: DTA PROF MC NWAILA		31/04/13	
MINISTER: DCOG MR. MR BALOYI, MP		2013/04/10	

COMMENTS:



MEMORANDUM

THE MINISTER

**FOURTH QUARTERLY PERFORMANCE REPORT OF THE COMMISSION ON TRADITIONAL LEADERSHIP
DISPUTES AND CLAIMS FOR THE PERIOD 1 JANUARY- 31 MARCH OF THE 2012-2013 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 January to 31st March 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 Nhlapo Commission.
- 3.2 The Commission appeared before the Mafikeng High Court, where an order was sought to prevent it from investigating a dispute on Senior Traditional Leadership of Baphalane ba Ramokoka. The Commission won the case with costs and the Attorney of the Commission is currently sourcing costs as per the judgment.

4. RECOMMENDATIONS

It is recommended that the Minister-

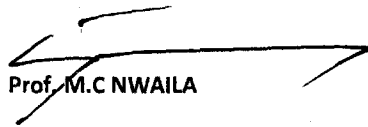
- 4.1 Takes note of fourth quarterly performance report of the Commission on Traditional Leadership Disputes and Claims for period 1 January – 31 March 2013 of the 2012-13 financial year.



MR. B. J. Tolo

CHAIRPERSON: COMMISSION ON TRADITIONAL LEADERSHIP DISPUTES AND CLAIMS

Date: 12/04/2013

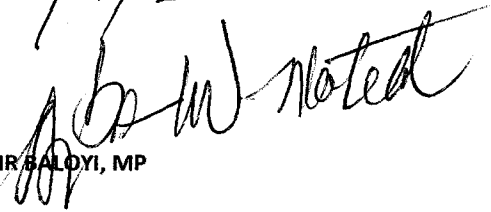


Prof. M.C. Nwaila

DIRECTOR-GENERAL: DEPARTMENT OF TRADITIONAL AFFAIRS



Date: 30/4/13



MR. M. BALOYI, MP

MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

Date: 02/05/2013



**QUARTERLY REPORT FOR THE PERIOD JANUARY TO MARCH 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 January to 31 March 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;
- discuss progress of the provincial committees of the Commission;
- discuss progress on High Court cases

3.2 Progress on Kingships

The Commission conducted public hearings and interviews for kingship/queenship during the previous quarter. The following is the brief summary of the reports to be processed to the President through the Minister.

Name of Claimant	Progress
Mr. SV Mthembu Kingship of Thonga-Ngwane	Mr Mthembu claims Thonga-Ngwane kingship. He claims his kingship on the basis that he is born from the senior house of a Thonga-Ngwane kingship that originates from Egypt around 1200 AD. The Commission has finalized the report of Mthembu and the report will be forwarded to the President soon.
Mr. DJ Nkosi of Ndlhela ka Nyamayenja Kingship	Mr. Nkosi claims the Swazi kingship of Nyamenja who was a brother to King Mswati II. He alleges that he left Swaziland in order to establish a new Swazi kingship in South Africa. The Commission has finalized the report of Mthembu and the report will be forwarded to the President through the Minister.
Mr. PL Maseko	Mr. Maseko who claimed the Kingship of amaNgcamane refused to engage with the Commission. He put a condition that unless he is given land that was "promised" to him by the previous Commission he will not participate. The Commission consulted the members of the previous Commission and discovered that the claim was finalized.
Mr. Chiloane	This is the application for a new kingship. The Commission is processing the report to the President through the Minister.
Mr. Mogane	Mr. Mogane claims Batau (Mapulane) Kingship. The Commission is processing the report to the President through the Minister.
Inkhosi Sandile Ngomane	Inkhosi Sandile Ngomane is claiming the position of kingship of Ngomane. The Commission has completed its investigative processes and it is now compiling the report. The report will be sent to the Minister for processing to the President.
Inkhosi Tikhontela Dlamini of Mekemeke	Inkhosi Tinkhontela Dhlamini is claiming the position of kingship of Mekemeke. The Commission has completed its investigative processes and it is now compiling a report.
Inkosikati Mkhathswa Evah	The claim of Mkhathswa emanates from Ngungunyane. This family originates from Mawewe who was a sibling to Mzila. The Commission refused to consider the claim of a Kingship of Inkhosikati Mkhathswa because it is from the same family as that of Nxumalo. The previous Commission attended to the claim and finalized it, any review or new claim that emanates from Ngungunyane can only be handled by the Court of law. The second reason is that the Gauteng South High Court decided in favour of the Commission against Nxumalo and their Appeal was dismissed. The

	Commission resolved that since that house was found not to have a kingship, this also apply to all descendants of Ngungunyane.
Hosi Mathevula	Hosi Mathevula is claiming the position of kingship of Vhaloyi. The Commission has completed its investigative processes and it is now compiling the report.
Queen Modjadji	Queen Modjadji is claiming the position of kingship of Modjadji. The Commission has completed its investigative processes and it is now compiling the report.
Hosi Mhinga	Hosi Mhinga is claiming the position of kingship of Makuleke. The Commission has completed its investigative processes and it is now compiling the report.
Mr. Moiloa	Mr. Moiloa of Bahurutshe ba Moiloa claimed for the restoration of a Kingship of Bahurutshe. He withdrew the claim on the basis that he did not want the Commission to invite other Bahurutshe recognized Senior Traditional Leaders to the public hearing and that he was not claiming for himself but for any Mohurutse who qualified. The claim was withdrawn.
Mr. T. Pheto	Mr. Pheto presented his dispute claim against the current Kgosi of Bakgatlaba Kgafele under the claim of kingship. The claimant withdrew the claim after realizing that the person he was disputing was not a king but a senior traditional leader.
Mr. Seonyatseng Sebe	The claim was tagged for kingship but the claimants requested the Commission downgraded it to a Senior Traditional Leadership. The Commission agreed and the claim for kingship is closed but a claim for a Senior Traditional Leadership will be dealt with by the provincial Committee of North West.
Mr. George Matlaku	Mr. Matlaku accompanied by his Attorney indicated that he was disputing the current Kgosi Moshote. Mr. Matlaku acceded that the title was not correct because the Kgosi whom he is disputing is a senior traditional leader.
Mr. Ntutu Pule	Mr. Pule is claiming the position of kingship of Koena. The Commission has completed its investigative processes and it is now compiling the report.

3.3 Provincial Committees

3.3.1 Mpumalanga

In the Mpumalanga province, eight (8) claims of Traditional Leadership served before the Commission. The Committee attended to the claims and disputes using various methods of gathering information regarding the claims and or disputes. The Committee has already submitted the reports to the Premier of the Province.

3.3.2 Eastern Cape

In the Eastern Cape Province 16 claims of Traditional Leadership served before the Commission. The Committee attended to the claims and disputes using various methods of gathering information regarding the claim and or disputes. The Committee will process the claims and disputes through to the Premier of the Province.

3.3.3 North West

In the North West Provincial Committee, 11 claims of traditional leadership served before the Committee. The Committee attended to the claims and disputes using various methods of gathering more information regarding the claim and or disputes. The Committee will process the claims and disputes through to the Premier of the Province. The Committee briefed legal representatives of the Commission regarding an Interdict that was sought to prevent it to investigate the dispute of Baphalane ba Ramokoka traditional leadership. The case was heard at Mafikeng High Court and the Judge ruled in favour of the Commission.

3.3.4 Limpopo

In the Limpopo province, 50 claims of Traditional Leadership served before the Commission. The Committee attended to the claims and disputes using various methods of gathering more information regarding the claim and or disputes. The Committee will process the claims and disputes through to the Premier of the Province.

3.3.5 KwaZulu-Natal

In the KwaZulu-Natal province, 10 claims of Traditional Leadership served before the Commission. The reports are being compiled by the committee using various methods of gathering information regarding the claim and or disputes. The Committee will after gathering all information, process the remaining claims and disputes through to Premier of the Province.

4. Progress on Kingships referred to court for review

The CTLDC is defending all review cases emanating from the decision of the President of the Republic of South Africa. Inkosi Nxumalo's appeal was dismissed, similarly the interdict lodged by Kgosi Ramokoka to prevent the Commission from investigating a dispute against him was dismissed. The case by the deposed acting Inkosi JJ Mahlangu is pending in the South Gauteng High Court. Gauteng Provincial Government and the Commission are opposing Mr. JJ Mahlangu's case.


Mr. BJ Tolo

Chairperson: Commission on Traditional Leadership Disputes and Claims

Date: 12/04/2013

