

MINISTRY FOR COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

REPUBLIC OF SOUTH AFRICA

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**INFORMATION SHEET: THE PRESIDENT’S ANNOUNCEMENT OF THE FINDINGS AND RECOMMENDATIONS OF THE COMMISSION ON TRADITIONAL LEADERSHIP DISPUTES AND CLAIMS (NHLAPO COMMISSION)**

**29 July 2010**

**INTRODUCTION**

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). The Commission was composed of not more than 15 members who had to investigate and resolve all claims and disputes within 5 years. The term of office of the Commission expired at the end of January 2010.

In terms of section 28(7) of the Act, the Commission was tasked to investigate all the positions of paramountcies and paramount chiefs that had been established and recognized and which were still in existence and recognized before the commencement of Act 41 of 2003. The Commission had to investigate whether all the paramountcies qualified to be recognized as Kings or not.

The Commission investigated and released its first report on 29-30 April 2008. According to this report, of the 12 paramountcies, 6 were found to be qualifying and some not. During this period, the Traditional Leadership and Governance Framework Act, 2003 only recognized three (3) positions of traditional leadership; namely: King, Senior Traditional Leader and Headmen/women.

Further to the above, the Commission had to investigate who the correct incumbent is and at what level should those who did not qualify be placed. There were also new disputes and claims to the old (existing) and new positions and Kingships.

The Framework Act was amended to establish a Principal Leadership position in addition to the existing positions for the transitional arrangement for those who did not qualify as Kings and Kingship e.g. those who have been found not to be qualifying as Kingship would continue until they pass on and their successor will automatically be recognized by the relevant Premiers as the Principal Traditional Leaders.

The new Chapter 6 of the Framework Act provided for the establishment of a Commission consisting of 5 members to be appointed by the Minister, after consultation with the NHTL. This Commission will operate in plenary nationally and in committees in the provinces with each Commissioner chairing a provincial committee.

The report was undertaken in terms of the old Chapter 6 of the Framework Act and was tabled and will be implemented in terms of the new Chapter 6 of the Framework Act.

**COMMISSION FINDINGS**

The following are the findings of the Commission:

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| **A** | **KINGS AND KINGSHIPS CONFIRMED BY COMMISSION AND APPROVED BY PRESIDENT** |
| **1.** | **Ngonyama Goodwill Zwelithini Zulu** |
| **2.** | **Kumkani Buyelekhaya Dalindyebo** |
| **3.** | **Kumkani Mpendulo Sigcawu** |
| **4.** | **Kumkani Zanozuko Sigcawu** |
| **5.** | **Kgosikgolo Victor Thulare Sikhukhune** |
| **The Commission will still decide on the rightful incumbent for the following Kingships which the President recognises** | |
| **6** | **AmaNdebele wakwa Manala and AmaNdebele as a whole from the lineage of the current King Makhosoke Enoch Mabhena (Makhosoke 11) of Mpumalanga** |
| **7** | **VhaVenda from the lineage of Mphephu Ramabulane of Limpopo Province** |

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| **B** | **THOSE FOUND NOT TO BE QUALIFYING AS KINGS, BUT CONTINUE AS KINGS UNTIL THEY PASS ON. THEIR SUCCESSORS WILL BE PRINCIPAL TRADITIONAL LEADERS** |
| **1.** | **Kumkani BM Sandile of AmaRharhabe** |
| **2.** | **Kumkani Ndamase Ka Ndamase of Amampondo Ase Nyandeni** |
| **3.** | **Morena O Moholo LC Mota of Batlokwa ba Mota** |
| **4.** | **Morena O Moholo T Mopeli of Bakwena ba Mopeli** |
| **5.** | **Ingwenyama M Mahlangu (Amandebele wakwa Ndzundza)** |
| **C** | **DECEASED KING: EASTERN CAPE** |
| **The late Kumkani Zwelonke Matanzima was found not to be qualifying as a King. His successor will be recognized by the Eastern Cape Premier as the Principal Traditional Leader. The name of the late King has since been removed in the list of the deemed Kings mentioned in table B above.** | |

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| **D** | **THE FOLLOWING KINGS ARE TO BE DEPOSED FOLLOWING THE ANNOUNCEMENT BY THE PRESIDENT** |
| **1.** | **Kumkani Mpondombini Sigcawu of Amampondo Ase Qawukeni will be replaced by Kumkani Zanozuko Sigcawu (Eastern Cape)** |
| **2.** | **Kgosikgolo Kenneth Kgakgudi Sekhukhune will be replaced by Kgosikgolo Victor Thulare (Limpopo)** |
| * **The Kings not recognised will be deemed as Kings and receive all benefits and remuneration payable to Kings until they pass on. Their successors will forfeit their status.** | |

**CLAIMS & DISPUTES CURRENTLY BEFORE THE COMMISSION**

* Ten (10) claims to Kingships which were handled by the Commission were found to be unsuccessful.
* There are 59 claims to Kingships still to be processed by the Commission.
* To date the Commission has since received 720 claims to be investigated.
* **The new Commission will be in place before end of August 2010.**

**NB. The forthcoming Commission will inherit all claims that were lodged with the previous Commission.**