



INDABA OF THE CoGTA PORTFOLIO COMMITTEE WITH THE EXECUTIVE COMMITTEE OF THE NATIONAL AND PROVINCIAL HOUSES OF TRADITIONAL LEADERS: 26 TO 27 NOVEMBER 2019, CAPE TOWN

1. Introduction and background

- 1.1 This presentation reflects the position of traditional leadership in the Free State Province in response to the invitation to the Indaba of the CoGTA Portfolio Committee with the Executive Committees of the National and Provincial Houses of Traditional Leaders.
- 1.2 Chapter 12 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996) recognizes the institution, status and role of traditional leaders according to customary law in the three spheres of government, subject to the Constitution.
- 1.3 The Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003), the National House of Traditional Leaders Act, 1997 (Act No. 23 of 1997), Free State Traditional Leadership and Governance Act, 2005 (Act No. 8 of 2005) and the Free State Provincial and Local Houses of Traditional Leaders Act, 2017 (Act No. 7 of 2017) and various pieces of legislation provide for roles and functions of traditional leaders in government.
- 1.4 The Free State Province has five recognized traditional communities, namely, Bakoena ba Mopeli, Batlokoa ba Mota both in Qwaqwa, Barolong boo Seleka in Thaba 'Nchu, Makhlokoe in Kholokoe near Harrismith and Batlokwa ba Mokgalong in Vrede.

- ✓ 1.5 The Province has two recognized Principal Traditional Leadership positions, namely, Morena e Moholo Moremoholo Mopeli of Bakoena ba Mopeli and Morena e Moholo Montoeli Mota of Batlokoa ba Mota.
- ✓ 1.6 The Province has thirteen recognised traditional councils, twelve in Thabo Mofutsanyana District Municipality and one in Mangaung Metropolitan Municipality.
- 1.7 The Free State Provincial House of Traditional Leaders (the House) is established in accordance to the Free State Provincial and Local Houses of Traditional Leaders Act, 2017 (Act No. 7 of 2017).
- ✓ 1.8 The House is constituted of fifteen traditional leaders from all the five recognized traditional communities in the Free State.
- ✓ 1.9 The Province has two local houses, namely, Mangaung and Thabo Mofutsanyana Local Houses of Traditional Leaders which are established according to the Free State Provincial and Local Houses of Traditional Leaders Act, 2017 (Act No. 7 of 2017).

2. Status of traditional leadership in the Free State Province

- 2.1 The Fifth Term of the Free State Provincial House of Traditional Leaders (hereafter referred to as the House) was established in August 2017 and it has since embarked on, but not limited to the following activities which cover identified areas as requested by the National House:

2.1.1 Arts and culture:

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- The Province continues to celebrate annual cultural days for the five recognized traditional communities.
 - The institution of traditional leadership has a cordial relationship with the Department of Sport, Arts, Culture and Recreation in hosting the annual Basotho New Year Celebration in August.

- The institution of traditional leadership is collaborating with the Department on social cohesion programmes to promote of cultural practices such as usage of indigenous languages and identification of heritage sites.
- Funding is required for traditional councils to promote tradition, custom, cultural programmes and related duties.

2.1.2 Land administration:

- The institution of traditional leadership is facing serious challenges in the administration and management of land, in that the current pieces of legislation do not provide for outright authority in among others, the allocation and ownership of land in areas under their jurisdiction.
- ✓ - There is no provision for expansion of land in traditional communities as the population grows.
- Batlokwa ba Mokgalong remained landless since 1994 and over the years the Province has been trying to acquire land for this traditional community which is currently residing in Vrede.

2.1.3 Agriculture:

- Two traditional communities - Barolong boo Seleka in Thaba Nchu and Makhlokoe in near Harrismith – have collaborative agricultural projects with Department of Rural Development and Land Reform (DRDLR) and Department of Agriculture and Rural Development (DARD).
- DARD partnered with the two traditional communities in 'One family, One Cow and Twenty Chicken' agricultural projects. Through this project, Barolong boo Seleka was able to make available garden tools / equipment for one thousand five hundred (1 500 households, twenty two (22) chicken to fifty six (56) households.
- Makhlokoe proceeded with the project but due to the outbreak of foot and mouth cow diseases, they are in the process of procuring goats and chicken for households.

- Furthermore, DRDLR allocated one (1) tractor each for both traditional communities to assist households with cultivation.
- Makhlokoe are in the process of making available a feedlot, and through the AgriParks project Makhlokoe has made available a storage from the produce of those parks.
- All traditional communities, other than Batlokwa ba Mokgalong who are landless, have initiated communal food gardens which are supported by Motsepe Foundation.

2.1.4 Health:

- The Province is working together with the Department of Health and other stakeholders such Police, Roads and Transport and Municipalities to promote safer initiation schools within the province, however full participation is required from all municipalities to ensure that initiation school committees are established to curb illegal initiation schools.
- The province continues to capacitate traditional leaders by hosting HIV/AIDS programmes to continue the fight against this pandemic

2.1.5 Welfare:

- On 22 November 2019, the Province launched the Queens Forum comprising of women from the five recognized traditional communities. The main objective of the Forum is to create an enabling environment for women in traditional leadership and rural women to participate in empowerment programmes that enhance and contribute to sustainable livelihood within their areas.

2.1.6 Administration of Justice:

- The institution of traditional leadership were trained to administer justice over their areas of jurisdiction by South African Judicial Education Institute (SAJEI).

2.1.7 Relationship with Legislatures:

- Traditional leaders continue to make inputs on Bills affecting the institution of traditional leadership such as Traditional Courts Bill, Customary Marriages Bill and Traditional and Khoi-San Leadership Bill.
- However, these Bills take time to be enacted.

2.1.8 Safety and security:

- Traditional leaders continue to participate in Cross Border Crime Prevention Forum to curb, among others, stock theft, human trafficking, illegal initiation schools, land invasion and drug trafficking.

2.1.9 Water Supply:

- There is general shortage of water supply in rural areas. Some traditional leaders have partnered with private sector to install boreholes in traditional communities to address this scarcity of water supply in their areas.

2.1.10 Economic development:

- Traditional leaders in partnership with among others, NYDA, Free State South African Youth Chamber of Commerce embarked on community outreach awareness programmes to disseminate information on how to establish businesses and cooperatives specifically by the youth of all recognized traditional communities.
- As earlier stated, the recently launched Queens Forum aims to mobilise economic activities that are geared towards eradicating unemployment and poverty within traditional communities.

2.1.11 Dissemination of information relating to government policies and programmes:

- The institution of traditional leadership embark on Constituency Visits bi-annually to disseminate information to traditional councils pertaining to government policies and programmes.
- Furthermore, traditional leaders continue to hold public gatherings – *dipitso* – to disseminate information on government policies and programmes.

2.1.12 Education:

- The two Principal Traditional Leaders continue to motivate learners to do well in their academic performance through continuous visits to schools.

2.1.13 Disputes and claims:

- The Province continues to receive traditional leadership disputes and claims which are dealt in accordance to the Provincial Traditional Leadership Disputes and Claims Resolution Framework of October 2017.

2.1.14 Role of traditional leadership in local government:

- In fulfillment of Section 81 read with Schedule 6 of the Municipal Structures Act, 1998 (Act No. 117 of 1998), the Province proclaimed guidelines for participation of traditional leaders in municipalities.
- The Act dictates that only Senior Traditional Leaders should participate in municipal councils. The Province is faced with the challenge of meeting the required number of traditional leaders that should participate in municipal councils due to insufficient number of Senior Traditional Leaders. However, municipalities continue to invite traditional leaders during Council sittings.

- Traditional leaders could not attend Council sittings at Maluti-a-Phofung Local Municipality due to internal political challenges, and at Mangaung Metropolitan Municipality traditional leaders are notified at short notice as such not enough time is given to peruse the documents.
- The Chairperson of the House participates in SALGA monthly sittings to raise issues affecting traditional leadership in the Province.
- The institution of traditional leadership has recently underwent training on the participation of traditional leaders in Municipal Integrated Development Plan, and this will assist traditional leaders to identify the needs of the community in a more effective manner in the forthcoming financial years.

3. Challenges

3.1.1 Challenges facing the institution of traditional leadership in the Province are but not limited to the following:

- 3.1.1.1 Land acquisition for Batlokwa ba Mokgalong.
- 3.1.1.2 Inadequate budget for the institution of traditional leadership.
- 3.1.1.3 Offices accommodation for Provincial and Local Houses.
- 3.1.1.4 Refurbishment of traditional councils.
- 3.1.1.5 Lack ICT infrastructure in traditional leaders' offices.
- 3.1.1.6 Shortage of transport for Local Houses.
- 3.1.1.7 Land Administration and Management.
- 3.1.1.8 Participation of traditional leaders in IDPs.
- 3.1.1.9 Uncoordinated developmental programmes in traditional areas due to non-consultation with traditional leaders.
- 3.1.1.10 Government does not allocate roles for traditional leaders as the legislation dictates.
- 3.1.1.11 Capacity building for traditional leaders.
- 3.1.1.12 Proliferation of unrecognized traditional leaders.
- 3.1.1.13 Lack of provision to allow additional traditional leaders to participate in municipal councils should the number of traditional leaders not meet the required number as per the Act.

4. Conclusion

The institution of traditional leadership in the Province appreciate the platform to outline some of the achievements and challenges faced by the institution. In promoting cooperative governance all stakeholders should be involved in ensuring that the institution of traditional leadership achieves its objectives. These include all sector departments and municipal councils in the Free State Province.

We as the institution of traditional leadership aims to promote and enhance the effective and efficient functioning of the institution as well as to promote and facilitate viable and sustainable traditional communities in line with the vision, mission and values of traditional leadership.

Government should assist the institution of traditional leadership to ensure that the institution render its core services which include, among others, to advice provincial government on developmental matters relating to indigenous law or affecting traditions and customs of traditional communities; to advise provincial government and participate in the development of provincial policies and legislation; to promote the role of traditional leadership in the Province; and to participate in national and provincial developmental programmes.

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