

Acting Secretary to Parliament

**P.N Tyawa**

Parliament of the RSA

P.O.Box 15

CAPE TOWN

8000

Email: [tmadubela@parliament.gov.za](mailto:tmadubela@parliament.gov.za)

## **COMMENTS BY THE NATIONAL HOUSE OF TRADITIONAL AND KHOI-SAN LEADERS ON THE NATIONAL VELD AND FOREST FIRE BILL (B 24 - 2021)**

### **Introduction**

The National Veld and Forest Fire Amendment Bill was introduced in the National Assembly on 13 December 2021 and has been classified as a Section 76 Bill and as a Bill falling within the ambit of Section 39(1) of the Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019). The Bill was referred to the National House of Traditional and Khoi-San Leaders by the Secretary to Parliament for comments by not later than 11 March 2022.

This submission is made by the National House of Traditional and Khoi-San Leaders, a statutory body, established in terms of the National House of Traditional and Khoi-San Leaders Act, 2019 (Act No. 3 of 2019). The role of the House is amongst others to promote

the role of traditional leadership within a democratic constitutional dispensation. Its main objective is to deal with matters relating to traditional leadership, the role of traditional leaders, customary law and customs of communities observing a system of customary law.

## **Clause 2: Purpose of the Bill**

This Bill contributes to ensuring that there is sustainable rural development in the country, as rural development is one of the top agenda items of government. Veld fire destroys many assets and livelihoods of communities every year and threatens food security and this result in job losses, and it is therefore the responsibility of local government to ensure that there are by-laws in place to ensure that landowners comply with the provisions of the Act.

The National House of Traditional and Khoi-San Leaders appreciates the efforts by the Department of Forestry, Fisheries and Environment to introduce the National Veld and Forest Fire Amendment Bill which seeks to ensure that the Act remains responsive and relevant in the field of combating and preventing veld and forest fires.

In traditional communities there is a way that veld fire is managed in communal land:

Fire has devastating effects, especially on the environment, animals and people. Veld fires have claimed several lives and destroyed hectares of forests in the country. Since time immemorial, there were ways of managing fire by traditional communities. They took upon

themselves to protect their grazing land through the digging of trenches and cleaning any dry material that could result in fire becoming uncontrollable.

Every fire season, traditional communities would go out in numbers with dogs and axes to clear areas in their grazing land to keep away fires. These efforts by communities were initiated by traditional leaders. According to elders in traditional communities, certain places were deliberately burnt so that in the case of fire outbreak, the fire would not spread to larger areas. Before any grazing area was burnt, communities would gather at the traditional leader homestead where traditional beer was brewed, a bull slaughtered, and rituals performed.

This was done to ask ancestors to calm the fire so that it would not get out of control. Before the burning exercise, young men would be sent to scare off animals. Traditional leaders also would discourage the use of fire in the harvesting of honey, and communities were encouraged to smoke the bees out with cow dung at night, instead of starting up small fire that might destroy the veld. In the case of animals, hunters were encouraged to use traps instead of smoking out animals out of their holes.

Traditional leaders have a task of educating their communities not to throw away pieces of mirrors, bottles and shiny objects that are reflective and could easily trigger fires if exposed to extreme sunlight. At any homestead there are places dedicated for the disposal of ashes and burnt coals.

Traditional leaders are of the view that they should be involved in anti-veld fire campaigns by government, which focuses on modern ways of controlling fires. There should be dissemination of information by government to rural communities through education on laws that govern the use of natural resources by communities. Government should also assist by providing fire fighting facilities to traditional councils and dams to be built to assist in defusing the fires in communities.

The National House of Traditional and Khoi-San Leaders' comments and submissions with regard to the National Veld and Forest Fire Amendment Bill are as follows:

### **Clause 1: Definitions**

The Act defines a community as a coherent social group of persons with interests or rights in a particular area of land which the members have or exercise communally in terms of an agreement, custom or law.

We recommend that **“Traditional community”** be defined as recognized in terms of section 3 of the Traditional and Khoi-San Leadership Act, 2019, (Act No. 3 of 2019).

It is our further recommendation that the following new definitions be inserted in the Bill as follows:

**“traditional council”** means a traditional council contemplated in section 16 and includes a traditional sub-council contemplated in section 17 of the Traditional and Khoi-San Leadership Act, 2019

**“traditional leader”** means a person who has been recognized as a king or queen, principal traditional leader, senior traditional leader or headman or headwoman in terms of section 8 of the Traditional and Khoi-San Leadership Act, 2019, and includes regents, acting traditional leaders and deputy traditional leaders.

Further note that the Traditional Leadership and Governance Framework Act has been repealed by the Traditional and Khoi-San Leadership Act, 2019, (Act No. 3 of 2019).

## **Clause 2: Formation of fire protection associations**

The insertion of section 3(3A) makes provision for the municipalities and traditional leaders in communal land to facilitate the formation of fire protection associations, if the Minister is of the opinion that a fire protection association is needed.

Traditional Leaders support the insertion of this new section where traditional leaders will be allowed to form an association in traditional communities where there are veld fires, for the purpose of predicting, preventing, managing and extinguishing veldfires. Traditional leaders further appreciate the fact that in a traditional community where the Minister is of the opinion that a fire protection association should be formed, he or she will convene a meeting in the area explaining the

provisions of the Act and provide support and assistance for the formation of a fire protection association.

Traditional Leaders should also be assisted with funding from the Department when establishing the Fire Protection Association and be allowed to chair the meetings of the Association.

#### **Clause 6: Enforcement**

This clause provides for the inclusion of peace officers and traditional leaders to enforce the Act, and further grants peace officers and traditional leaders the power to enter, search and seize relevant evidentiary material, in the enforcement of the Act.

We appreciate the inclusion of traditional leaders in the enforcement of the Act and recommend that the department should provide support, capacitate and explain the provisions of the Act to traditional leaders.

Hoping that our comments will be considered.

Sincerely,

  
**NKOSIKAZI ND MHLAULI**

**CHAIRPERSON: NHTKL**

**DATE: 08 FEBRUARY 2022**