

MEC, DR. MOKGANGTSHANG MOTLHABANE'S SPEECH AT THE CONTRALESA PRIVINCIAL COUNCIL IN BOKONE BOPHIRIMA

What Google says about CONTRALESA

When I google on the respectable websites in the internet CONTRALESA is explained as follows;

"Contralesa brings together traditional authorities, like chiefs and headmen, who identify broadly with **the liberation movement**. It is officially non-aligned, insisting traditional rulers are above party politics".

When it started in 1990, it had barely more than 2 000 members in all four provinces, with its largest membership concentrated in KwaZulu Natal and the Eastern Cape.

It presents itself as a powerful vanguard of the rural communities and continues fighting for a place for traditional leaders in the new dispensation.

Institutionalising Traditional leadership

Chapter 11 of the Constitution states that the institution, status and roles of traditional leadership, according to customary law, are recognised.

The historical discussion at CODESA led this chapter 11 of the 1996 Constitution of the Republic, which provides for the recognition of traditional authorities and the establishment of the provincial houses of traditional leadership. The clauses acknowledge that traditional leadership is historically an important part of our national identity.

When the ANC adopted its first constitution in 1919, it provided a forum known as the upper house of chiefs. Some of the icons of liberation included the names of illustrious kings and queens, Bo Kgosi Montshiwa, Kgosi Moilwa, Kgosi Galeshewe, Kgosi Jaantjie, etc. As Thabo Mbeki said: "I am the grandchild of the warrior men and women that Hintsu and Sekhukhune led, the patriots that Cetshwayo and Mphephu took to battle, the soldiers Moshoeshe and Ngungunyane taught never to

dishonour the cause of freedom.”

He was reminding all of us of our traditional origin and background that we cannot erase, undermine nor understate.

The likes of **Kgosi Dickson Montshioa**

Who was honoured as one of the African National Congress' (ANC) stalwart, who was the first recording secretary of the organisation, Kgosi George Dickson Montshiwa.

Montshioa was a lawyer by profession, and was part of a delegation that organised an inaugural conference of the then South African Native National Conference in 1912 in Bloemfontein.

During that year Monsthia was appointed recording secretary of the party under the presidency of Reverend John Langalibalele Dube.

Going back to the discussion at Codesa and later in the constitutional assembly, it must be noted that the debate was not and never about whether traditional leadership had to continue to exist or not.

Accordingly, the transformation of traditional leadership, especially between 1997 and 2003, sought to bridge the gap, undo the legacy of the 1927 Black Administration Act, the 1951 Black Authorities Act and the many other “homeland” laws that sought to exploit traditional leadership and to further indirect rule.

Constitutional validity

Government acknowledges the critical role of traditional leadership institutions in South Africa’s constitutional democracy and in communities, particularly in relation to the rural-development strategy.

It therefore remains committed to strengthening the institution of traditional leadership.

To this end, numerous pieces of legislation have been passed and various programmes implemented to ensure that traditional leadership makes an important contribution to the development of society.

The department is also working on a range of issues, which include policies on unity and diversity, initiation, traditional healing, traditional leaders' protocol, family trees, the remuneration and benefits of traditional leaders based on uniform norms and standards, and involving the Khoisan people in the system of governance in South Africa.

Traditional councils

Legislation has transformed the composition of traditional councils to provide for elements of democracy. It states that 40% of members must be elected and that one third of members must be women.

Legislation has also opened up an opportunity for municipalities and traditional councils to achieve cooperative governance. Traditional councils have been given a strong voice in development matters and may now enter into partnerships and service-delivery agreements with government in all spheres.

Houses of traditional leaders

The Constitution mandates the establishment of houses of traditional leaders by means of either provincial or national legislation.

Its objectives and functions are to promote the role of traditional leadership within a democratic constitutional dispensation, enhance unity and understanding among traditional communities and advise national government.

Provincial houses of traditional leaders were established in all six provinces that have traditional leaders, namely the Eastern Cape, Free State, KwaZulu-Natal, Limpopo, Mpumalanga and North West.

The national and provincial houses of traditional leaders enhance the cooperative relationships, deepens and cements the relationship between municipalities and traditional leaders on customary law and development initiatives.

Commission on Traditional Leadership Disputes and Claims

The commission was established in terms of the [Traditional Leadership and Governance Framework Act, 2003 \(Act 41 of 2003\)](#).

It is tasked with restoring the dignity of traditional leaders and their communities by investigating and ensuring that the institution of traditional leadership is restored to where it belongs. It also investigates all claims to any position of traditional leadership (king/queen/principal/senior traditional leader and headmen and women), including disputes over the boundaries of traditional councils.

NORTH WEST CONTRALESA

The national recognition of traditional leadership as part of a democratic South Africa took another progressive step when the Congress of National Traditional Leadership of South Africa (CONTRALESA) launched its North West branch at a well attended two-day conference in North west.

The event was attended by traditional leaders from all four districts in the North West who represented different regions and communities who are also members of the North West Provincial House of Traditional Leaders (NWPHTL).

A number of resolutions were adopted at the Sun City conference where among others, the members declared war on poverty and fight underdevelopment within communities.

- They also resolved to work with government and other democratic institutions, parliament, legislatures and the executive.
- THAT: as the Traditional Leadership of our communities we resolve to be in the centre stage of policy making and social cohesion in our communities.
- THAT: CONTRALESA should develop an engagement strategy to start dialogue with Government and the African National Congress as the ruling party.
- THAT: for the coming 2016 National Local Government Elections, CONTRALESA asserts that these candidates must be persons of integrity, as well as fit and proper persons to lead communities and work with the Traditional Leaders in our communities.

- THAT: CONTRALESA does not accept the current status quo of ExOfficio status and observer position but a meaningful participatory position as legitimate representatives of our communities.
- THAT: CONTRALESA believes that the inclusion of Traditional Leadership in these structures will enable us to be part of the decision making process of our country and communities at large.
- THAT: CONTRALESA must call upon the President of the Republic of South Africa to convene the Land Summit as soon as reasonably possible to address the issue of returning our ancestral land back to the rightful owners, the African Majority
- THAT: CONTRALESA calls on the review of the Constitution of the Republic of South Africa and in particular the Property Clause.
- Further; we call on the review and amendment of the Communal Property Association Act with regard to Communal Property Associations (CPA) on the lands that have been restituted and are under the jurisdiction of the Traditional Authorities. We believe that this situation, if left un-challenged, will create unnecessary tensions in our communities and in the country as well as problems with regard to future claims.
- Further, we negate the foreign ownership of our land and white minority domination of the ownership of our land.
- CONTRALESA should engage itself on daily basis to develop methods on how to grow as the mouthpiece and the vanguard of the Traditional Leaders in South Africa
- Traditional leaders have threatened to field their own candidates in next year's local government elections.
- Contralesa is part of the mass democratic movement, and has traditionally voted for, and encouraged its subjects to vote for the ruling party.
- Chief Mandla Mandela is an ANC MP and Inkosi Phathekile Holomisa was a deputy minister.
- He said this showed traditional leaders were not being sidelined.
- Contralesa wants more traditional leaders to gain more authority through their traditional councils by taking up ward councillor positions.
- He said people in urban areas were not as pro-ANC as those in rural communities, because the party spoke the language of the poor.
- "In the cities they prefer white organisations. The only constituency that remains strong in its support of the ANC is

traditional leadership and rural communities. But how do we do that when we are treated in the manner in which we are?"

- Contralesa is part of the mass democratic movement structures hence the ANC does respect traditional leadership, but more could be done "towards improving relations".
- Contralesa is us and we believe in their leadership. If there is something they are not happy with, [the ANC's] doors are open. The ANC is always available to visit our kingdoms and traditional councils.

Both ANC and CONTRALESA acknowledged the important role they should play currently and in the future for the betterment of society.