

## NATIONAL HOUSE OF TRADITIONAL LEADERS

- PRESENTATION OF THE ANNUAL REPORT AND THE FINANCIAL STATEMENTS 2005-6 FINANCIAL YEAR

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CHAIRPERSON**

## MANDATE OF THE NHTL

- The NHTL sources its mandate from amongst others:
  - Traditional Leadership and Governance Framework Act, 2003 [Act 41 of 2003]
  - Disaster Management Act, [
- The NHTL sources its functions from its founding Act and other related pieces of Legislation eg.
  - National House of Traditional Leaders Act, 1997
  - Traditional Leadership and Governance Framework Act, 2003
  - Municipal Structures Act, 1998
  - Municipal Systems Act, 2000

## NATIONAL HOUSE OF TRADITIONAL LEADERSHIP MANDATE CONTINUES

- Municipal Systems Act, 2000
- White Paper on Traditional Leadership and Governance, 2003
- Constitution of the Republic of South Africa
- Disaster Management Act, 2002
- Intergovernmental Relations Framework Act, 2005
- Communal Land Rights Act, 2004
- Remuneration of Public Office-bearers Act, 1998

## MANDATE

- Rules and Orders of the NHTL
- Other policy documents such as:
  - The Accelerated and shared Growth Initiative for South Africa {ASGISA}
  - White Paper on Land matters
  - ISRDP, IDP etc

## Background

### BACKGROUND

- The National House like any other House of Traditional Leaders is established by the Act of Parliament.
- The Act has specific requirements that the NHTL must fulfill which amongst others are the following:
  - Promotion of the role of Traditional Leadership within a Constitutional dispensation
    - Enhance unity and understanding amongst Traditional Communities
    - Enhance cooperation between the National and all other Houses of Traditional Leaders.

## PROVISIONS OF THE ACT (CONTINUES)

- The Act of the NHTL continues to provide the following:
  - May advise the Government and make recommendations relating to the following:
    - Matters relating to Traditional Leadership
    - The role of Traditional Leadership
    - Customary Law, and
    - Customs of Communities observing the system of Customary law

## Provisions of the Act Continues

- The NHTL may investigate and make information available on Traditional Leadership, Traditional Councils, Customary Law and custom
- Shall, at the request of the President, advise him or her in connection with any matter referred to it for consideration; and
- Shall present an annual report to Parliament *(the exercise that the NHTL is doing now)*

## STRATEGY OF THE NHTL

- The Annual Report presented here today is based on the strategic plan of the NHTL.
- The report will indicate the achievements and challenges facing the NHTL
- It must be mentioned that the NHTL as a National Structure of Traditional Leaders has a responsibility to the Provincial Houses, Local Houses and Traditional Councils:

## Responsibility of the NHTL

- Give guidance on the transformation of the Traditional Authorities to the new Traditional Councils
- Advise the Traditional Councils on a framework for partnership
- Monitor the successful establishment of the Local Houses of Traditional Leaders
- Promote co-operation amongst the Houses and the Communities

## Mechanism to implement the responsibilities

- As mentioned earlier that the annual report is based on the strategy, the NHTL has requested Houses to align their plans with that of the NHTL for the following reasons:
  - Monitoring and evaluation of the successes of the PHTL to meet their objectives
  - Identification of challenges facing each House with the intention to provide the necessary support and interventions
  - To meet the objectives of the Act of the NHTL as clearly stipulated in slide number 05

## FORUMS OF THE HOUSES

- Furthermore, the NHTL has established the following Forums:
- **Chairpersons' Forum**
- **Social Development Forum**
- **Tradition, Custom and Culture Forum**
- **Constitutional Development Forum**
- **Internal Arrangement Forum**

## CONCERNS BY THE COMMITTEE MARCH 14

- There were a number of clarity seeking questions that were raised by the Committee in our previous meeting which are responded to as follows:
  - **Gender compliance**
    - The National House sources its membership from the Provinces and it is up to the Province to send at least one Female Traditional Leader to the NHTL.
    - The Framework Act encourages gender representativity in the institutions of Traditional Leaders, hence the request by the NHTL that should a vacancy occur in the House, the Province must send a female delegate.
    - The NHTL believes that the best way of solving this challenge is to amend the Act of the NHTL to make provisions for the powers of the NHTL over other structures of Traditional Leadership like Traditional Councils, Local Houses and Provincial Houses in monitoring, evaluation, guidance etc.

## CONCERNS BY THE COMMITTEE MARCH 14

- **Lack of co-operation by headmen/women in deep rural areas with councilors**
  - Traditional Leaders were not properly inducted towards the Municipalities
  - When the wall to wall Municipal system was introduced, many were saying Ubukhosi is being done away with Therefore headmen started to incite people not to co-operate, as a result of some lack of enough information (induction into the new system)
  - The way in which some Municipal councilors were conducting themselves was provocative to traditional leaders.
  
  - We have ever since talked to the Chairpersons of Provincial Houses in this regard and we believe that relations between traditional leadership and the local government will improve (*in some places the relationship is very good*)
  
  - Furthermore, the discussion with SALGA will ensure that such actions are eradicated within our leadership structures

## CONCERNS BY THE COMMITTEE MARCH 14

- **Lessons learned from parallel operations between AmaKhosi and Municipality**
  - AmaKhosi are not adequately resourced (financially, capacity, infrastructural and otherwise)
  - AmaKhosi are not being actively involved in matters of Local Economic Development, IDP's etc.
  - It is noted that the municipality is the development sphere of Government
  - It has the ability to change the lives of the people if an all inclusive approach is followed
  - The gap between the two is closing very fast as a result of change of attitude from both parties and willingness to serve their communities

## CONCERNS BY THE COMMITTEE MARCH 14

- **Linking NHTL committees to those of Parliament and the Chamber in Cape Town**
  - The NHTL is in a process of linking its committees with Cabinet Clusters and then Parliament.
  - The matter of a Chamber is still pursued with the Department of Public Works through DPLG and it is promising that we will soon have one
  - This Committee should assist as well in facilitating a meeting between the NHTL and the Speaker of Parliament to discuss the co-operation strategy, we are still awaiting that meeting.

## CONCERNS BY THE COMMITTEE MARCH 14

- **Program of the NHTL in implementing the Framework Act.**
  - The National House does not have a program of transforming the Traditional Councils as yet because some Provincial Governments have not finalized the legislative processes.
  - Provinces are implementing the Framework Act differently due to shortage of resources like budget and other resources.
  - The NHTL believes that all affected Government Departments listed in the White Paper and the Framework Act must jointly craft a strategy of allocating functions and follow those functions by resources (*Chapter 5 of the Framework Act*)