

SOWETAN Wednesday October 30 2002

Chiefs reject Govt proposals

By Khangale Makhado

GOVERNMENT'S draft White Paper on Traditional Leadership and Governance, released for public comment yesterday, was immediately rejected by the National House of Traditional Leaders, which dismissed it as incapable of resolving the long-standing dispute over the role of amakhosi (chiefs).

The draft policy document is clear that traditional leaders will not be accorded the same political status as democratically elected representatives. It argues that where the constitution allocates a particular sphere of government the responsibility to govern, that responsibility cannot be shared with traditional leaders.

As far as traditional leaders are concerned, that view effectively puts paid to any hope of ending the stand-off between the Government and themselves over the authority of amakhosi in areas governed by, for example, elected municipalities.

Inkosi Mpiyezintombi Mzimela of the National House of Traditional Leaders said that while the document seemed to address their issues at national and provincial levels, there appeared to be a glaring omission regarding the institution's role at local government level.

Traditional leaders saw red with the changing of new municipal boundaries, which have since

altered the scope of governance, especially in traditionally managed societies in rural areas.

"We have long been arguing that as traditional leaders we should form the primary local government structure in the rural areas, while in urban areas municipalities should run the show and that the two should only meet at district levels," Mzimela said yesterday.

He said that the draft White Paper becomes a fallacy if one were to take into account that it does not address the issue of local governance and also that it cannot change the situation at that level.

"Only an amendment to the Constitution will address our main problem; otherwise we are only going to be playing a supportive role to the local government structure. This matter has been dragging on and our members have urged the Government to speed up the finalisation of the process," Mzimela told *Sowetan*.

Local and Provincial Government Minister Sydney Mufamadi, however, described the document as another milestone "towards finalising a comprehensive policy on the institution (traditional leaders)".

He also said there was no doubt the draft White Paper would go a long way towards restoring the dignity of the institution of traditional leadership and ensuring "that it occupies pride of place within the democratic system of governance".

BUSINESS DAY WEDNESDAY 30 OCTOBER 2002

Chiefs will not have former powers reinstated

Xolani Xundu

Political Correspondent

GOVERNMENT made it clear yesterday that it would not bow to pressure from traditional leaders to introduce a constitutional amendment giving them powers bestowed upon local government by the constitution.

A draft policy document released by Provincial and Local Government Minister Sydney Mufamadi makes it clear that traditional leaders, who almost

disrupted the 2000 local government elections because of this issue, will have to live with their current role.

The draft white paper on traditional leadership and governance points out that SA is a constitutional state and the people who voted in the 1994, 1999 and 2000 elections voted for the new system of governance.

Reacting to the development, Nkosi Mpiyezintombi Mzimela, the chairman of the National House of Traditional Leaders, said

traditional leaders were "disappointed but not surprised".

"It has long been clear that government has no intention of reinstating the powers and functions of traditional leaders which were taken away by the constitution," he said.

Traditional leaders would from now on engage their communities "to see for themselves how empty the white paper is", he said.

The white paper states that traditional leadership, which was

never a government of SA but "a creature of custom", may complement the role of government in rural areas.

"Therefore, there cannot be contestation of authority between the institution of traditional leadership and the state," the document says.

The powers which traditional leaders performed prior to 1994 were inconsistent with the constitution, it says.

Draft paper a 'milestone': Page 2

White paper on traditional leaders proposes far-reaching changes in line with the constitution

Caught between a rock and a hard place

Xolani Xundu

Political Correspondent

PROVINCIAL and Local Government Minister Sydney Mufamadi describes the draft white paper on traditional leadership and governance as "a milestone" in finalising a comprehensive policy on traditional leaders.

Certainty and clarity about traditional leaders' roles and their functions will lead to the establishment a framework for their remuneration.

The independent commission for the remuneration of public office bearers has said this will not happen until this process is finalised.

But judging by the content of the draft white paper, released for public comment yesterday, it would seem that traditional leaders find themselves between a rock and a hard place.

Since 1994 traditional leaders have been battling to maintain their apartheid gains.

However, they have not managed to wring any concessions out of government. It now it appears government is prepared to press ahead and define the role of traditional leaders in a democratic society whether or not they participate in the process.

The paper, approved by cabinet, proposes far-reaching

changes in the institution of traditional leadership in-line with constitutional imperatives.

For example, the paper calls for the abolition of any structures of traditional leadership like paramount chiefs and subchiefs as they are foreign and their introduction into SA was politically motivated.

Structures that were created by apartheid and homeland legislation such as tribal authorities and councils of chiefs should also be scrapped.

Tribal councils that existed before colonialism based on custom should be established and renamed community councils.

These structures should allow for the representation of women and, at least, a third of their members should be women.

The document also says existing succession rules are in conflict with the principles contained in the equality clause in the bill of rights, and women should be allowed to ascend to the throne.

Traditional leaders will only be remunerated until they are 70, but if the community feels that he or she can continue, they should approach provincial government.

The white paper says it is the vision of government to transform and support the institution so that it is brought into line with constitutional principles of democracy and equality and so

ISSUES DEALT WITH IN THE WHITE PAPER



SYDNEY MUFAMADI

Graphic: RUBY-GAY CAETANO

- The transformation of the institution
- Its role and functions
- Succession of women
- Remuneration of traditional leaders
- Party political affiliations
- Structures to be recognised and not recognised

that it can represent customary interests of communities.

"Traditional leadership and SA's present democratic order are not mutually exclusive.

"Traditional leadership has to function in a manner that embraces democracy and contributes to the entrenchment of a democratic culture, thus enhancing its own status and standing among people," the paper notes.

The critical challenge facing both government and traditional leadership is to ensure that custom, as it relates to the institution, is transformed and aligned with the constitution and the bill of rights.

Such a transformation exer-

cise must ensure that the institution responds to change, promotes freedom, human dignity and achievement of equality and nonsexism, promotes and facilitates a strong relationship between itself and the different spheres of government and mobilises the rural people.

The paper says the role of traditional leaders is to promote social and economic development, good governance and service delivery especially in rural areas.

It would achieve this by advising government in developing policy and legislation that affect rural communities, and participating in national and international programmes geared to-

wards the development of rural communities.

Traditional leaders will also have to participate in national and provincial initiatives meant to monitor, review and evaluate government programmes in rural communities.

They will also have to perform ceremonial roles and serve as custodians of culture, tradition and custom.

The paper says that traditional leaders will also have to carry out various functions in support of government in areas of arts, culture, land, agriculture, health welfare, acting as commissioner of oaths, among others. These duties can be assigned, delegated or performed on an agency basis.

"The feeling is that this matter be brought to a speedy finalisation and be put to rest.

"Our distinct impression is that traditional leaders are ready to partake in this process to define their role in matters of governance," says Mufamadi.

National House of Traditional Leaders chairman iNkosi Mpiye-zintombi Mzimela says the paper is "(much) better" in areas where it deals with the general transformation of the institution.

Says Mufamadi: "We have no doubt that the draft white paper will go a long way towards restoring the dignity of the institution of traditional leadership."

The Citizen Wednesday 30 October 2002

Chiefs to be sidelined

Draft White Paper on traditional leaders seeks solution

By CAROL HILLS

TRADITIONAL leaders involved in full-time, elected legislative activities will have to be replaced until their departure from active politics, in terms of a Draft White Paper on Traditional Leadership and Governance.

The public has until November 22 to comment on the long-awaited draft, which was released in Pretoria yesterday by Provincial Affairs and Local Government Minister Sydney Mufamadi.

The draft points out that a balance is needed between the right of traditional leaders to participate in politics – many do in their personal capacities as traditional leaders – and the need for the institution of traditional leaders to continue to play a unifying role in communities.

It stipulates that, should traditional leaders participate, full-time, in any level of elected legislative structure, legal provision will have to be made for the

appointment of someone to act in their stead until they are able to resume their positions in traditional leadership structures on leaving active politics.

It determines that all traditional leadership institutions are constitutionally bound to observe certain principles and values, and “as entities, should be non-partisan”.

Regarding the role of traditional leadership in governance, the draft finds it cannot share with the government the responsibility for

functions allocated to any sphere of the government.

But on matters of common interest – development and planning – “co-operative relationships can be established” and spheres may delegate certain functions, where this is provided for in law.

The Draft sets out a vision for the institution of traditional leadership, principles which should guide the transformation process and “high level policy positions”, said Mr Mufamadi.

BUSINESS DAY, Tuesday, October 30 2001

ANC 'will chew, spit out NNP'

Simphiwe Xeko

Parliamentary Reporter

CAPE TOWN — The Democratic Party (DP) took a fresh swipe at New National Party (NNP) leader Marthinus van Schalkwyk yesterday, accusing him of allowing his party to be "chewed up and spit out" by the African National Congress (ANC).

The level of bitterness between the two sides reached new lows with Democratic Party (DP) chief whip Douglas Gibson accusing Van Schalkwyk of having bought two Mercedes-Benz sedans for his bodyguards, while Democratic Alliance (DA) leader Tony Leon "walked to his battered car" during the recent local government elections.

"If he (Van Schalkwyk) envisages that the ANC/Cosatu (Congress of SA Trade Unions)/SACP (SA Communist Party) alliance will do anything other than chew him up and spit him out, he is more naïve than I thought."

Van Schalkwyk announced recently that he was considering a strategic alliance with the ANC in all three tiers of government.

This followed a war of words between Leon and Van Schalkwyk after Leon moved to fire Cape Town mayor Peter Marais for alleged mismanagement.

Gibson referred to Van Schalkwyk's breakaway from the DA as "flip-flop, zig-zag — the contortions of a political gymnast".

"That gymnast is of course our own Marthinus van Schalkwyk, whose rent-a-principle, borrow-an-idea, steal-a-policy approach to politics is becoming plain. (He) has managed to induce his (party) to follow his



DP chief whip Douglas Gibson

Picture: TREVOR SAMSON

lead," Gibson said.

Reacting to Gibson's attacks on Van Schalkwyk, Renier Schoeman, the NNP's executive director, said although the party had no intention of becoming involved in a "character assassination" campaign, it was "disappointed to note that Gibson could once again not avert this pitfall, and that he spent most of his energy attacking Van Schalkwyk with untruths, ridiculous allegations and over-imaginative conspiracy theories".

"I am not going to dignify all the untruths in Gibson's statement and remarks with detailed responses. (His) fabrication that we are joining the ANC/Cosatu/SACP alliance is obviously fanciful, shows a lack of understanding of (first-year level) Political Science 1 and is a desperate attempt to divert attention from the fact that the DP is increasingly painting itself into a small, right-wing corner as the angry white voice of SA," Schoeman said.

BUSINESS DAY, Tuesday, October 30 2001

ANC, NNP to discuss sharing of power

**Lekota to spearhead coalition talks
for all three spheres of government**

Vuyo Mvoko

Senior Political Correspondent

THE African National Congress (ANC) leadership gave the go-ahead yesterday for talks with the New National Party (NNP), opening the way to sharing power in all three spheres of government, which would radically change the face of SA politics.

But the NNP's anxious town councillors will have to wait to see whether they can leave the fractured Democratic Alliance (DA) without losing their seats.

The acceptance by ANC leaders of the idea of forming coalitions with the NNP at national, provincial and municipal level came as the mudslinging between the former DA allies reached new heights. Democratic Party chief whip Douglas Gibson accused NNP leader Marthinus van Schalkwyk of allowing his party to be "chewed up and spat out" by the ANC. NNP executive director Renier Schoeman countered that Gibson spent most of his energy attacking Van Schalkwyk with "untruths, ridiculous allegations and over-imaginative conspiracy theories".

Yesterday, at ANC headquarters in Johannesburg, ANC chairman Mosiuoa Lekota briefed his party's national working committee on the "exploratory" talks he held with the NNP after Van Schalkwyk announced the suspension of its participation in the alliance. ANC spokesman Smuts Ngonyama said afterwards that the committee had decided everything would be done to ensure the ANC was "sensitive" to the NNP's "dilemma". However, the ANC leadership also said the time limits imposed by the NNP's de-

sire to allay the fears of its councillors urgently should do "no disservice to democracy".

During last year's local government elections, NNP councillors stood on a DA ticket. With the NNP's withdrawal from the DA, many could lose their seats if they follow Van Schalkwyk.

Ngonyama said the ANC decided yesterday that a special committee led by Justice Minister Penuell Maduna and his safety and security counterpart, Steve Tshwete, would look at changes to the law required for DA councillors to defect to the NNP while keeping retaining their seats.

"The ANC is of the opinion that the councillors should be allowed time to make up their minds over who they would like to follow," Ngonyama said. "Everything must be done properly. People should be allowed to make their choices."

Lekota, in the meantime, would take the talks forward with "a very clear mandate".

Negotiations would not be about "power and positions" but principles, Ngonyama insisted. And whatever the outcome of talks between the two parties, any "co-operation agreement" would have to be reached in such a way that there was "no deviation" on the part of the ANC from the mandate it obtained in the 1999 elections through its near two-thirds majority.

Van Schalkwyk, meanwhile, is preparing himself for meetings of councillors and NNP structures to explain the decision to withdraw from the DA, and the possible consequences of the move.

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