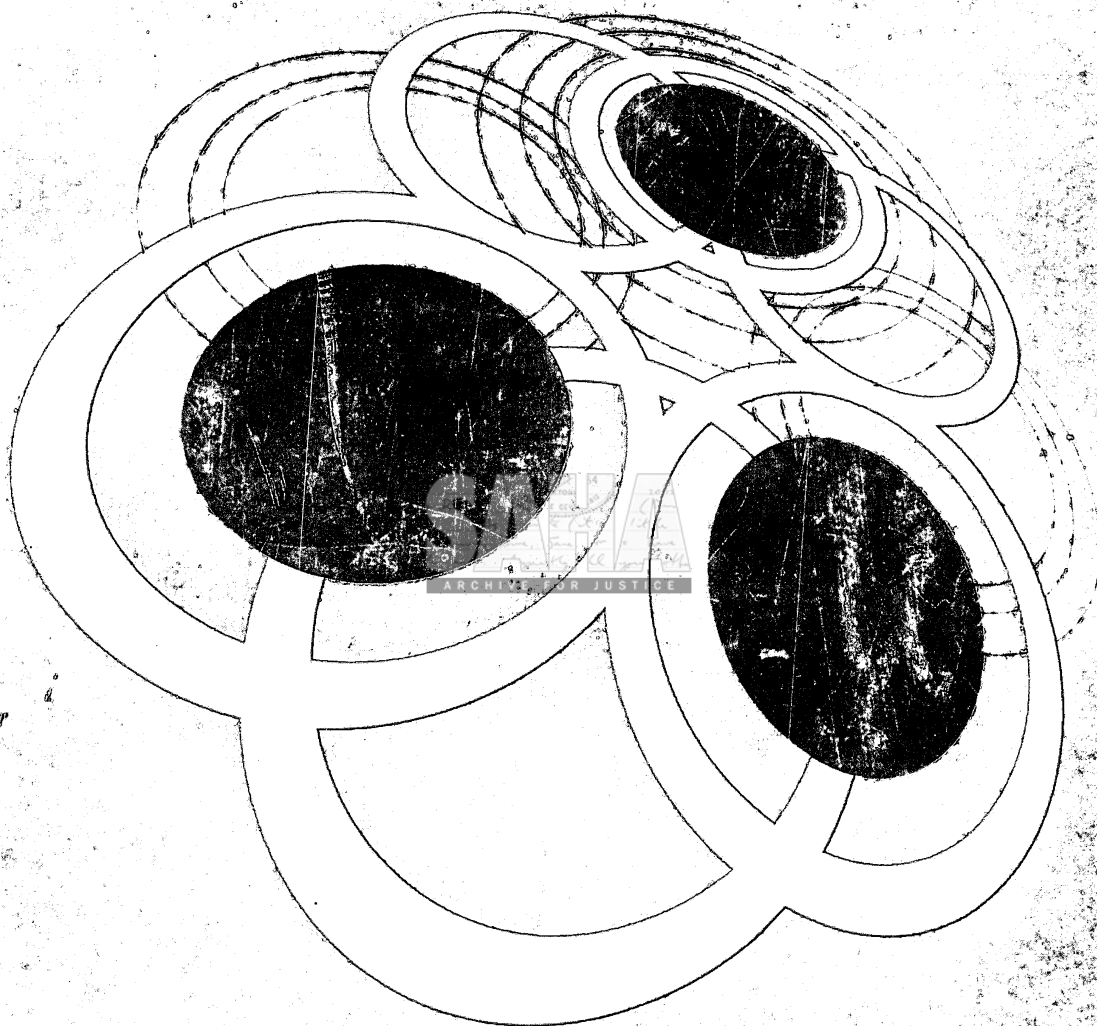


# Annual Report 2009/2010



**cooperative governance  
& traditional affairs**

Department:  
Cooperative Governance and Traditional Affairs  
**REPUBLIC OF SOUTH AFRICA**


**Mr. S Shiceka**

**Minister for Cooperative Governance and Traditional Affairs**

It is my pleasure to submit the Annual Report of the Department of Cooperative Governance and Traditional Affairs (CoGTA) for the financial year 1 April 2009 to 31 March 2010.

To the best of my knowledge, contents of the report are consistent with the disclosure principles contained in the Guide for the preparation of Annual Reports issued by National Treasury. This report seeks to portray CoGTA's activities during the financial year under review and is based on sound underlying departmental information and management systems.

In presenting this report we acknowledge progress made during the 2009/2010 financial year as well as the challenges and opportunities that lie ahead.

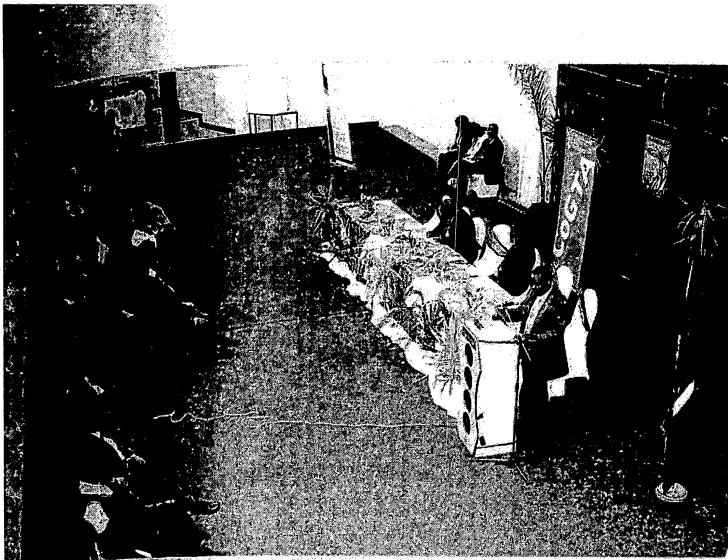


**Mr E. Africa**  
**Director General**  
**31 August 2010**

DEPARTMENT OF JUSTICE

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Shiceka addresses youth community in Northern Cape

In the sphere of partnerships and stakeholder relations: the Unit partnered and collaborated with credible institutions, and the highlight of those interactions was the Community of Mandela Rhodes Scholars (CMRS)

**Public Education and Advocacy:** In the past year, this Unit engaged in a partnership with the Older Persons Forum in order to host a series of dialogues around the country on the role of older persons as custodians of cultural practices. The Unit also conducted dialogues in respect of the impact the current Children's Act of 2005 has on the cultural and religious rights of communities. Departments such as Social Development, Cooperative Governance and Traditional Affairs and Women, Children and Persons with Disabilities were in the forefront of those developmental initiatives with a view to facilitate a review of the provisions of the act which negatively impact on the cultural and religious rights of communities.

During the year under review, some significant strides in good governance, research, partnerships and collaborations, public education and advocacy, community engagement and handling of complaints were made.

In respect of administration and service delivery: the Commission functioned with a structure of three sub-programmes that dealt with support services, and seven sub-programmes that deal with service delivery. These sub-programmes have specialised focus areas to deal with the various components of the mandate of the Commission. Below is the bird's eye view of some of the accomplishments:

**Investigation and Conflict Resolution:** During the year under review, the Unit received 27 cases, 11 concerned cultural rights, eight concerned religious rights, and three concerned language rights. Five of these cases were referred to other entities for their attention. It is worth noting that 36 of the older cases were finalised. The Unit further assisted the Commission regarding legal documents and special matters. The Unit also managed to submit seven policy recommendations to other entities.

**Research and Policy Development:** During the year under review, this Unit produced a Guidelines Report on the Ritual of Animal Slaughter, a report on the Rights to Language and the Rights of a Language: The Status of Linguistic Rights among the Basotho Speaking Community in the Nqutu area of Kwazulu-Natal, and a Report on Public Hearings on Initiation Schools in South Africa. These reports along with the critical recommendations that they contain, will be printed, launched and disseminated during the 2010/2011 financial year, pending the availability of financial resources.

**Community Engagement:** During the year under review, the Unit on Community Engagement organised and facilitated the launching of long awaited Community Councils in the Free State, Western Cape and Gauteng Provinces. The Unit also commenced with an ongoing process of developing a database of Older Persons with the ultimate aim of developing and sustaining the oral tradition and indigenous knowledge through this human resource group.

The information included in this report is a brief summary of the performance of the CRL Rights Commission. Full information is available in the annual report published by the Commission.

## 5. Commission on Traditional Leadership Disputes and Claims

The Commission on Traditional Leadership Disputes and Claims



The San in Parliament; Official Opening of The National House of Traditional Leaders

was established in terms of Section 23(1) of the Traditional Leadership and Governance Framework Act 2003 (Act No. 41 of 2003). The Commission was initially appointed for a period of five years with the aim of restoring the integrity of the Institution of Traditional Leaders and to promote good governance in traditional communities. The Commission operates nationally and has authority to decide on any traditional leadership disputes and claim contemplated in the Act and arising in any province.

In terms of section 28 (7) of the Act, the Commission had to undertake an investigation into the twelve existing paramountcies in order to restore the integrity and the legitimacy of the Institution of Traditional Leadership at the highest position. The investigation should be understood within the context of section 8 of the Act which makes provision for three leadership positions within the institution of Traditional Leadership, namely: kingship, senior traditional leadership and headmanship. Yet position of the existing paramountcies had to be determined in relation to the three positions provided for by the Act.

## 6. National House of Traditional Leaders

The National House of Traditional (NHTL) is a statutory body established by the National House of Traditional Leaders Act, 1997 (Act No. 10 of 1997) as amended. Its main objectives are to promote the role of Traditional Leadership within a democratic constitutional dispensation through representation and advancement of the aspirations of traditional leaders and their rural communities at

national level, and to advise national government on the role of traditional leaders and on customary law.

Section 10 of the Act empowers the House to establish Committees whose responsibilities are stated in the Rules and orders of the House. The operations of Committees of the House are based on transparency, involvement and inputs by stakeholders and Provincial Houses.

The House has the further task of enhancing unity and understanding between traditional communities and co-operation between National House and various provincial houses.



Official Opening of The National House of Traditional Leaders



and Government e-Exchange System (G2E) 1/1



cooperative governance  
& traditional affairs  
Department:  
Cooperative Governance and Traditional Affairs  
REPUBLIC OF SOUTH AFRICA

Mr. E.N. Mthethwa MP  
**Acting Minister for Cooperative Governance  
and Traditional Affairs**

We are pleased to submit the Annual Report for the Department of Cooperative Governance and the Department of Traditional Affairs (**CoGTA**) for the financial year 1 April 2010 to 31 March 2011.

The contents of the report are consistent with the disclosure principles contained in the guide for the preparation of Annual Reports issued by National Treasury. This report seeks to portray **CoGTA's** activities during the financial year under review and is based on sound underlying departmental information and management systems.

In presenting this report we acknowledge progress made by the two departments under the Ministry of Cooperative Governance and Traditional Affairs during the 2010/2011.



### Introduction of Departmental Programmes

The activities of the Department of Traditional Affairs were organized by the following three strategic programmes:

**Purpose:** Ensure the smooth establishment of the Department of Traditional Affairs and the development of internal processes, systems and policies that will optimally support the efficient and effective performance by line functions.

**Purpose:** Conduct research into the various aspects of traditional affairs, including the institution of traditional leadership to ensure proper policies, legislation and frameworks are developed and implemented to govern the coordination of the issues pertaining to traditional affairs and the functioning of traditional leadership.

**Purpose:** Provide comprehensive support to, and co-ordination of, all activities related to traditional affairs and to promote the role and place of the institution of traditional leadership in the South African governance system.

### Key Strategic Objectives and Achievements:

#### DTA Establishment Phase

This phase was characterised by a period of transition for the Department, moving from operating as a Chief Directorate with very limited financial and human resources to being a functional Department. In addition, the appointment of executive leadership of the Department, filling of SMS posts and levels below and placement of staff was a demonstration of a functioning of a new Department. DTA seconded staff were successfully relocated to the new premises in Percardia 1 building to effect the establishment of the Department.

#### Policy and Legislative Reform

Guidelines on Determination on the members of the Traditional Council were finalised and

notice of gazette was developed and submitted to the Minister for approval. The Department also consulted various structures including the Legislative Committee on the discussion document on the consolidation of the Traditional Leadership and Governance Framework Act and the National House of Traditional Leaders Act. During the period under review, the department developed the National Traditional Affairs Bill which includes the recognition of Khoi-San Leadership and structures and proposed amendments to Traditional Leadership and Governance Framework Act as well as the National House of Traditional Leaders Act.

#### Assessment of State of Governance within Traditional Affairs

The Department coordinated the project on the assessment of the state of governance within traditional affairs, wherein a concept document was developed to inform the assessment process; a stakeholder analysis undertaken through analysis of different pieces of legislation in order to determine the traditional affairs related functions performed by other departments and entities, and a methodology which informed the overall but customized approach for all provinces.

This was followed by pre-engagements sessions with national departments, provinces and other public entities. The outputs of these pre-engagements are the development of:

- Draft Traditional Affairs Sector Wide Strategy, and
- Draft Capacity Building Strategy.

#### Entity Management and Support:

Major highlights of this reporting period have been the announcement of the result of the Commission on Traditional Leadership Disputes and Claims (CTLDC) by the President, training of senior traditional leaders.

The Commission is mandated to resolve disputes and claims lodged with the previous Commission. Its term of office is five years (from January 2011 to 31 December 2015) it is mandated to finalize all 1322 claims and disputes on traditional leadership. The Commission is composed of five members who



are appointed on full time basis to ensure that they finalize all claims and disputes as indicated above.

The members of the Commission are:

- Mr. Bagudi Jonathan Tolo  
Chairperson
- Dr. Nokuzola Mndende  
Deputy Chairperson
- Mrs Ramokoni Tryphina Kgatla  
Member
- Mr. Malefetsane Joel Mafereka  
Member
- Mr. Dumisokwakhe Basil Sikhakhane  
Member

The CTLDC was able to issue recognition certificates to the following:

- King Makhosoke II (Enock Makosoke Mabehena) of AmaNdebele - Mpumalanga
- King Xolilizwe Sigcau (Mpendulo Calvin Sigcau) of AmaXhosa - Eastern Cape
- King Mabhoko III (Mbusi Mahlangu) of AmaNdebele wakwaNdzundza - Mpumalanga
- King Mota (Lekunutu Cavandish Mota) of Batlokwa - Free State
- King Mopeli (Mopeli Thokoana Mopeli) of Bakwena - Free State
- King Ndamase (Ndamase KaNdamase Ndamase) AmaMpondo AseNyandeni - Eastern Cape

#### Official Opening of the NHTL: February 2010

The official opening of the NHTL took place on 24 February 2010 at the Old Assembly Chamber, in Cape Town. The opening session was attended by members of the NHTL, Kings, provincial Houses, traditional leaders from SADC, Speaker of the National Assembly, Chairperson of the National Council of Provinces, Ministers, representatives of Local Government, Khoisan and Chapter 9 institutions. The President addressed traditional leaders on a range of issues, including leadership, culture, rural development and service delivery.

Election of the new leadership of the National House of Traditional Leaders:  
28 January 2011

The election of new leadership of the NHTL took place 28 January 2011, in Pretoria. Kgosi PP Maubane (North West Province) and Kgoshigadi MRM Mothapo (Limpopo Province) were elected Chairperson and Deputy Chairperson respectively. Kgoshigadi MRM Mothapo became the first woman traditional leader to serve in the full time leadership position of the NHTL.

#### Overview of the service delivery environment for 2010/11

During the year under review, the Department of Traditional Affairs (DTA) as an evolving department has continued to dedicate its effort through provision of coordinated support to the institution of traditional leadership within the system of cooperative governance. The Department of Traditional Affairs did not render services directly to the public as some of the government departments do.

In improving departmental capacity to deliver on its expanded mandate, a total of three positions have been filled from August 2010 (namely Director-General and two Deputy Directors-General). In addition to the above, four positions of Chief Directors and thirteen Directors was concluded in January 2011.

The Department has got three main programmes namely: Administration, Research Policy and Legislation and Institutional Support and Coordination. Even though Administration programme is not fully fledged, corporate service functions are provided by DCoG through a Memorandum of Understanding (MoU). The programme has achieved most of its planned targets. This programme is located within the Office of the Director-General and was able to establish various governance systems which are implemented to provide a coordinated support to the activities of the department.

Much progress has been made in the Research, Policy and Legislation programme whereby the programme together with its entities issued