

## **CONTEXTUAL OVERVIEW OF THE COMMISSION**

Presentation by the Chairperson of the Commission, Professor Mzo Sirayi at the Launch of the Gauteng Commissioner on Traditional Leadership Disputes and Claims, 22 November 2022

Honourable Premier Lesufi;

Honourable MEC Khumalo;

Honourable MEC Mosupyoe;

His Royal Highness King Makhosoke of the Ndebele Nation;

Members of the National House of Traditional Leaders;

Commissioners of the Commission on Khoi and San Matters;

Commissioners of the CRL Rights Commission;

Kgosi KC Kekana;

Inkosi MP Mahlangu;

Members of the Gauteng Portfolio Committee for CoGTA;

Senior Managers within National and Provincial Government;

My fellow Commissioners and Technical Experts;

Esteemed leaders present here today; and

Programme Director.

May I start by welcoming all of you and thanking you for attending this important event whose aim is to launch the first **independent** Gauteng Commission on Traditional Leadership Disputes and Claims.

My fellow Commissioners and I are humbled by the confidence shown by the Premier and MEC in us to implement these critical tasks for this **independent** Commission. We accept this mandate and commit to implementing it to the best of our ability.

*Echoing the words of the late Professor Herbert Vilakazi, "The worst thing that can happen to civilization and people is to have souls without a past".*

This strong sense of historic identity is an attribute that all of us must value. Moreover, in an increasingly uncertain world, our beliefs, culture, and family history contribute to the sense of who we are and what we mean to others.

We must celebrate our heritage and remember our history. This must aid us in designing the best future for our children.

In acknowledging our history, customs and culture, we respect our society's diversity and multicultural nature.

Gauteng represents the economic powerhouse of South Africa, where more than a third of thought leaders and industry leaders in the technical advancement of the country are domicile. Gauteng is also a province with a rich cultural history which must be protected and preserved. The rich cultural history is in addition to the rich mineral resources, landscapes, diverse population and world-class economic advancements.

It is imperative that all members of our society are included in this journey while driving toward economic, technical, and social advancement. This can be achieved by restoring dignity to all cultural communities.

To this end, this **independent** Commission is tasked with investigating and making recommendations on the traditional leadership claims and disputes in traditional communities. At a National level, a Commission on Khoi San matters is tasked with similar responsibilities for the Khoi and San Communities.

As Commissioners, we took an "Oath of Office" in September. We committed to be faithful to the Republic of South Africa, upholding and protecting the Constitution and the human rights entrenched in it and the supporting legislative framework.

We are committed to serving you within the principles of the Constitution and the legislative framework. We aim to

support the recognition of traditional communities and their leaders and conduct our work with the highest integrity.

Since May, when we were appointed, we have worked hard to ensure that all potential applicants have a fair opportunity to apply to this Commission and have information accessible to them.

Today, my colleagues and I will speak about some of the systems that we have developed to assist you (and all the attendees) when you apply for recognition or lodge a dispute. During the time we have with you today, the following will happen:

- **Advocate Mahumani** will introduce the legislative framework that will guide our Commission in its work;
- **Professor Mchunu** will introduce you to the application form that is aligned with the legislative framework which we must work within; and
- **Commissioner Madiba** and **Professor du Plessis** will respond to questions you may have for the Commission.

However, our journey with you will not end today. We have tasked ourselves to conduct workshops in each region of Gauteng from the 5<sup>th</sup> to 9<sup>th</sup> December 2022.

These workshops will focus specifically on the application form and provide an opportunity for leaders to pose questions and interact with the Commissioners and Technical Experts.

The details of the workshops will be announced on the departmental website and the webpage of the Commission.

Allow me to wind up this introductory discourse by challenging all of us by quoting Nyerere's (1962:9) abrasive cultural statement:

A country which lacks its own culture is no more than a collection of people without the spirit which makes them a nation. Of all the crimes of colonialism, there is none worse than the attempts to make us believe we had no indigenous culture of our own; or what we did have was worthless - something we should be ashamed of rather than a source of pride. Some of us, particularly those of

us who have acquired a European type of education, set ourselves out to prove to our colonial rulers that we had become “civilized”. And by that we meant that we had abandoned everything connected with our own past and learnt to imitate only European ways. At one time it was a compliment rather than an insult to call a man who imitated the Europeans a “black - European.

In this respect, I argue that it is a common cause that for many years the institutions of traditional leadership and indigenous cultural practices have been undermined, damaged, distorted, and eroded. These practices persist many years after the colonising countries left and the apartheid regime collapsed. To worsen matters, some African law makers, African policy makers, South African universities and professional bodies are largely committed to perpetuating Euro-American cultural paradigms. They are proud of being geniuses and experts in Euro-American models and failures in Afrocentric cultural practice. In fact, it is an academic crime to call for the decolonization or decoloniality and transformation of Western-imposed cultural ideologies and practices. Therefore, the Gauteng Government should be commended and celebrated for its

commitment to addressing the anomalies and scars of apartheid, thereby liberating and revitalizing institutions of traditional leadership, as well as cultural practices of indigenous communities. This is cultural freedom at its best. In fact, political freedom and economic freedom without cultural freedom are incomplete.

Honourable dignitaries and Programme Director,

I thank you.