

Duvula Royal Council

Mhuti ya Mona

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To: The Speaker of Provincial Legislature of Limpopo

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0700

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Dear Sir

Re: SUBMISSION ON THE TRADITIONAL COURTS BILL BY HOSI DUVULA OF ROTTERDAM VILLAGE

1. I am a female Hosi Duvula falling under the municipality of Greater Letaba in the Limpopo province. The bill is relevant to me as a Hosi who together with his subjects were forced to be under a Community Authority in terms of the Bantu Authority Act no. of 1951, who has since then contested for my status as Chief (Senior Traditional) until today. It is also relevant to me and Duvula people particularly that in December 2011 the Limpopo government has passed a Gazette disbanding Community Authorities without clearly indicating what is to happen to chiefs such as myself whose claim for chieftaincy has not been responded to by the Commission on Traditional Leadership. If this bill is passed as it is my people and I will have difficulties in resolving customary disputes that are always handled through our local customary system without the interference of the imposed government presiding officers.
2. The contents of the bill threaten the Constitutional rights of our community members particularly women whose participation in the traditional court is not

guaranteed. We say this because the bill only intends given all the powers of presiding in the traditional court to recognized chiefs who mostly are males. Also we know in our communities that such “recognized chiefs” do not actually deal with day to day customary issues that rural people face, the issues are dealt with by “headmen and headwomen”. As a woman chief the contents of the bill threatens my position and my status in terms of the way I currently handle customary disputes in the local level with the members of the community.

3. We were not aware of the bill until we hear about from people who attended a provincial workshop organized by the Legal Resources Centre and Law Race and Gender that took place at Oasis Lodge in Polokwane on the 27th of January 2012.
4. I think it is important that when bills such as these are made, ordinary rural people have to be consulted as these people have living customary law that they use for resolving day to day dispute at village level. When such consultations are organized, people must be given sufficient notice and the consultation must happen in venues that are next to the people and where necessary resources made available for them to attend.
5. As South African citizens residing in rural old homelands, we feel discriminated against when the parliament enact Acts that give power unelected senior traditional leaders whose status were upgraded in a unfair manner during Apartheid when some of us we demoted for no apparent reason.
6. I would also think that it would have been better that the government first restore the status of “independent traditional leader” ; like me and it then that discussion about the need to modify Customary law can take place, starting in the local level before a bill of this nature is made.

We await your urgent direct response to our concerns.

Regards

Hosi Duvula (Woman Independent Traditional Leader) (082 572 0805)