

Moletji Community property association

PO Box 62

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30 January 2012

The Speaker of Mpumalanga Legislature

Private Bag X11305

Nelspruit

1200

Re: Submission on the Traditional Courts Bill by Moletji Community Property Association.

We are an executive committee consisting of five executive and five non-executive members who are democratically elected by our respective community at large. Our duties as mandated by our community and as outlined in our constituency constitution are to take charge of proper and adequate administration of the day to day affairs of our community. We are a community that consists of various ethnic groups from various tribes – iBapedi, Ndebele, Barolong, Bakwena and Bakgatla who had bought a piece of land from a whiteman in 1935 under the steermanship of the Commissioner of Native Affairs in Hammanskraal falling under the jurisdiction of Pretoria. During that era the Black Administration Act number 38 of 1927 denied Africans the right to own land and in the process of that transaction acting Chief Johannes Moepi of Marapyane Tribal Authority was asked to act as the trustee of the purchasers in the signing of the deeds of transfer.

We became aware of the TCB and we are very worried about this Bill because it will bring us back to imposed state of affairs of the Batustans and apartheid era.

Our forefathers purchased the land we are currently occupying and the apartheid regime took away our title holders status and put us under a chief of a tribe that we have never been part and did not contribute in purchase of the land. We have been under the traditional authority of this imposed chief under protest since 1935 and therefore we will never accept a traditional legislation that will undermine our landownership.

The chief and his council have forced us to pay money that was used to build schools within the chief's village and also forced us to contribute money for the erection of tombstones for chief's ancestors. In addition, the imposed chief has demanded tribal levies that never benefitted our village and he never accounted for the moneys he collected from us. The Chief and his council have

never done developmental project us. We are concerned and very scared that if this Bill is passed into a law as it is presently, his evil deeds will be legalized against us.

It is our belief that by allowing this Bill to become a law, it will entitle the chief and his councillors to exercise rights that are not due to them because they are not shareholders in the buying of the land. If that happens, our Constitutional right to property on our land would be arbitrarily taken.

If the chiefs are imposed to have power over our land, it will violate our constitutional rights to own and manage private property.

We do not understand why the government that we voted to replace the racist regime that hated black people in favour of whites will support a Bill of this nature that only affects Black people who own land in the rural areas, whilst white counterparts who are our neighbours are not affected like us. This is exactly what apartheid did and has collapse when we voted for the new government in 1994. We understand that our constitution clearly identify us as one nation. We find it very strange that the provisions of the TCB will separate us from our white countrymen who are clearly not affected by this bill.

We strongly feel that it is our government's duty to protect us from this Bill and the affects that this Bill will have on our lives. The chief in our area is not part of our committee and we don't recognise his authority over us.

We recommend very strongly that this Bill be amend to exclude our private owned properties as we also do not want be involved in his running of his traditional affairs and his traditional courts because we do not recognise those structures and we are not his subjects.

We do not want any laws or any tribal authority to tell us how to conduct our private affairs on private land. We want our democratically elected government to treat us with the respect we deserve and we want to be involved, with our government in the development of our areas. But we don't want the chiefs to be the custodians of our developments. Therefor we expect the chief to respect our title deeds as well.

While the nation at large is fighting for the recognition of women as equals in all regards in the development of our country, it is to our shock that this Bill is reversing the whole process by centralising all powers to one person who not even elected.

It is our belief that nothing will disturb the so-dearly fought Constitution of our freedoms and our liberation from discrimination. Our fundamental rights as it is enshrined in the Bill of Rights shall never be tampered with by the selfish objectives of one individual known to promote his own selfish interest. We, as black rural people, will not be his genie pigs. God Bless.

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SECHACHA STEPHENS MALOKA (DEPUTY SECRETARY)

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