

# Media Statement from the Royal House of AmaMpondo

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*For immediate release.*

The incumbent Royal House of amaMpondo wish by means of this statement to respond to two issues of current concern in the media.

Firstly the announcement on 29<sup>th</sup> July 2010 by His Excellency President Zuma that he has accepted the recommendations of the *Commission on Traditional Leadership Disputes and Claims* (the “**Commission**”), concerning the legitimacy of Kingdoms and their current incumbents, and secondly the ruling by the Department of Environment Affairs that video films are inadmissible as evidence lodged in support of objections to authorisation issued by that Department for the N2 Wild Coast Toll Road.

Both matters have profound implications for AmaMpondo. Taken together they raise questions that need to be addressed by all people who cherish our constitutional democracy.

## **Dispute over Succession to King Mandlonke.**

With respect to the first issue, the Commission endorsed the Kingdom of Pondoland as a one of seven legitimate Kingdoms and named Zanozuko Tyelovuyo Sigcau (a nephew of the incumbent *iKumkani* Mpondombini Sigcau), as the successor to King Mandlonke. By accepting the recommendation the President has deposed the incumbent King.

The *iKumkanikazi*, Queen Masobhuza Sigcau on behalf of the King who is currently in hospital recovering from surgery, wishes the following facts to be brought to the attention of His Excellency President Zuma, the South African public and the international community.

- The Commission’s finding that Zanozuko Tyelovuyo Sigcau is the legitimate successor to King Mandlonke is incorrect. The historical record shows that more than a decade before the advent of apartheid and the Bantu Authorities Act the dispute over the lineage of the Pondo Royal House was in fact settled in terms of African customary law. Even recourse to the Western colonial law of the Union of South Africa failed to overturn that. In terms of that lineage Mpondombini has been established as the rightful successor to King Mandlonke.
- The Commission made a finding that the late King Botha Sigcau (the incumbents father) was disqualified from taking the Kingship on the grounds that he is from the right hand house. Yet Zanozuko Sigcau is the grandson of Magingqi who was the right hand wife of King Mandlonke (the incumbent’s grandfather). It is therefore inconsistent for the

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Commission to depose of the incumbent King and substitute him with a grandson of a right hand house.

- Zanozuko's mother is the first wife of Zwelidumile Sigcau and this makes her to be the right hand wife. The Commission ignored this by making a ruling that because Zwelidumile was not a King, the requirement of a great wife does not apply to Zanozuko Sigcau.
- The Commission has also made a ruling that there was an *Ukungena* union between Magingqi and Nelson Sigcau and ignored overwhelming evidence which showed that there was in fact no *Ukungena* union. Furthermore it is unprecedented in Nguni language Kingdoms for the custom of *Ukungena* to be invoked in a dispute over claims of hereditary succession of traditional leaders.

While we agree with the President that "Over the years, the institution of traditional leadership has been undermined and eroded" and "the apartheid regime created its own traditional leadership at the expense of authentic traditional leadership, in some communities", we find it extraordinary that the President has accepted a recommendation to depose *iKumkani* Mpondombini Justice Sigcau, when such blatant inconsistencies exist the official record – the Commission's report.

The incumbent Royal House cannot to be airbrushed out of the history of the amaMpondo by such inconsistencies and contradictions. Attempting to do so only invites the darker and shameful events of the past to be repeated.

The incumbent Pondo Royal house wishes to appeal to His Excellency President Zuma to immediately review his acceptance the Commission's determination with respect to the AmaMpondo Kingdom succession dispute.

Furthermore we wish to reassure all Traditional Leaders subject to the AmaMpondo that *iKumkani* shall seek constitutional measures to overturn the Commission's ruling if the President does not do so.

### **N2 Wild Coast Toll Road Video.**

Ironically while the Royal House was still coming to terms with the shock of the injustice we believe has been done, news came through that a film submitted in support of objections lodged by AmaMpondo residents within our jurisdiction against the authorising of the N2 Wild Coast Toll Road, was ruled inadmissible.

The film was submitted by their attorney Mr Cormac Cullinan with affidavits from the *iKumkanikazi* Queen Masobhuza Sigcau, community leader Ms Nonhle Mbuthuma and social worker Mr John Clarke to the Minister of Environmental Affairs Buyelwa Sonjica. It features local residents voicing their concerns and objections about the proposed N2 toll road development during a community meeting held at the Mgungundlovu Komkulu (the customary venue for matters of communal concern to be discussed) on 3 June 2010. We believe that the Honourable Minister of Environment, Buyelwa Sonjica needs to see the film, notwithstanding the

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discomforting truths it contains, in order to come to a proper decision as to whether to uphold their objections or set aside the authorisation of the N2 Wild Coast Toll Road.

Moreover we believe the public needs to see the film as well so they may judge for themselves whether the objections and concerns expressed by the AmaDiba residents should be admissible, and whether the national interest will be better served by its suppression.

It is a tragic irony that the above developments have come at a time when we commemorate the Pondo Revolt of 1960 - an event that saw rural residents rise up against certain traditional leaders whom the apartheid regime co-opted to further the ambitions of the white minority government. The film features a veteran of that revolt, Mr Samson Gampe, recalling his experience and likening it to the situation he and the AmaDiba residents face today: a situation of manipulation and deception by remote forces intent on dispossessing them of their land, destroying their livelihoods and offending their dignity.

Furthermore the concerns and objections of Pondo residents cannot be ignored just because they are unable to produce written affidavits due to their lack of formal education and literacy. The disallowed video shows in no uncertain terms that despite Mr Gampe's lack of formal education he understands exactly what is happening. He has seen it all before.

Queen Sigcau, speaking in her personal capacity wishes to add the following.

*“As the video shows, the local residents were simply doing what they were prevented from doing fifty years ago: speaking to their lawyers and asserting the right to be consulted especially on matters concerning their ancestral land. It took place at their Komkulu, (the Tribal Courthouse) presided over by their Traditional Leaders, in an inclusive process.*

*We are also very concerned that the proposed route of N2 Toll Road will in effect bisect the Kingdom of AmaMpondo into two, because for the majority of the rural residents who live there, they will not be getting a better road (which they desperately need) but an 80 meter wide barrier running for over 100 kms, fenced off to prevent people and livestock from crossing freely, with limited underpasses and access points.*

*The last time we were consulted about the matter was in July 2004, when Minister Van Schalkwyk led a delegation of Ministers and senior officials to meet at the Royal House for an Imbizo on the matter. Promises to redouble efforts to consult with all parties were made, both with respect to the N2 Toll Road and the other contentious issue, the Xolobeni Mining project.*

*These promises were repeated at a press conference held afterwards, and again in September 2008, by Minister Sonjica when she was Minister of Minerals and Energy. As the video and our affidavits testify, these promises have not been kept. Consultation has not taken place as required.*

*Instead we have received complaints from the AmaDiba community that fraudulent signatures were submitted by the Xolobeni mining rights applicants claiming they had*

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*been consulted and giving their consent. We saw evidence of such ourselves, as well in letters from people claiming to be the 'Chief' for the area.*

*The Traditional Authorities of AmaMpondo at all tiers face serious treats and challenges. The Commission's determinations have aggravated and destabilised the situation further, which is exactly what the colonial and apartheid forces sought to do in the past.*

*We urge all concerned to remember Archbishop Tutu's caution, said when he headed the Truth and Reconciliation Commission. 'Unless we have confronted the ghosts of the past, they will return to haunt us in the future'.*

*Encouraged by people like Oliver Tambo, and Nelson Mandela we have tried to do so, assisted by African kingdoms, including our own.*

*It was agreed by the grandparents of the Swazi Royal house, that the Swazi people should make a contribution to the healing and restoration of the African Traditional Governance system after the ravages of apartheid and colonial forces.*

*The late King Sobhuza's grandmother Queen Regent Nabotsibeni was an ANC member in the tradition of the late Chief Albert Luthuli. It was her inspiration that led to an agreement of marriage with Mpondombini. We have produced two wonderful, intelligent and empowered daughters who seek to continue that legacy.*

In terms of both the South African Constitution and Bill of Rights, and customary law of AmaMpondo, the incumbent Royal House believe serious administrative injustices have been done – to *iKumkani* Mpondombini Sigcau and his family, by the Commission, and to their subjects, the AmaDiba residents, by the Department of Environment.

We appeal for calm and patience while we work to resolve these matters, and call on all amaMpondo to resist any temptation of provocation to revert to the tactics used fifty years ago to defend their land rights. Too many people died and suffered then. It is not necessary for history to repeat itself. For as we have full confidence in our Democratic Constitution and Bill of Rights to achieve justice, peace and reconciliation.

AmaMpondo Royal House.

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*Ends*

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