

UMTHETHO OYILWAYO OMALUNGA NOBUKHOSI BOMTHONYAMA NOBEZIZWE ZAMA-KHOI-SAN (B23-2015)

1. Umsebenzi walo Mthetho uYilwayo kukugunyaziswa ngokusemthethweni kwezizwe zama-Khoi-San, neenkokheli zazo kwakunye namabhunga azo; kwangaxeshanye ikukhlanganisa yonke imithetho emalunga nobukhosi bomthonyama ukwenza umthetho omnye.
 - a. **Kodwa maninzi amakhwiniba kulo Mthetho uYilwayo:**
2. Ugcina imida eyasekwa ngexesha likarhulumente wocalucalulo phantsi komthetho we-Bantu Authorities Act (1951), mida leyo ethe yafakwa kumthetho oyi-Traditional Leadership and Governance Framework Act (2003) ngoluhlobo lulaIndelayo
 - i. Izizwe ezakhiwa ngurhulumente wocalucalulo (tribes) zaguqulwa zabizwa ngokuba zizizwe zomthonyama (*traditional community*)
 - ii. *iiTribal authorities* zaguqulwa zabizwa ngokuba ngamabhunga omthonyama (*traditional councils*).
 - iii. Imida yamabhunga omthonyama xa idityanisiwe yenza-iBantustans (Isolotya Iwa - 70) - (Jonga iimap ngemva)
3. Ngexesha lorhulumente wocalucalulo abantu bezizwe ngezizwe banyanzelwa ukuba benze isizwe esinye okanye bafakwa ngenkani phantsi kwezizwe eyingezizo ezabo. Ngokubuyisa le mida lo Mthetho uYilwayo uzakunyanzelisa uluntu ngobuzwe nokuba ayibobababo (Isolotya lwesithathu nolwesine)
4. Lo Mthetho uYilwayo uyakusebenza ngaphakathi kwemida yendawo ezazisakuba ziBantustans kuphela; ngolohlobo ke uyakubuyisa ucalucalu ngokobuzwe (tribalism) yaye udale iyantlukwano ngokobuzwe phakathi kwabemi basezilalini nabasezidolophini (Isolotya lwesithathu)
5. Lo Mthetho uYilwayo uphepha ukungaphumeleli kukarhulumente ukwenza inguqu ebukhosini esebenzisa iCommission yamabango obukhosi bomthonyama (Nhlapo Commission) kwakunye nonyulo lwamabhunga obukhosi bomthonyama (Isolotya Iwa -70).
6. Lo Mthetho uYilwayo uvumela amasebe karhulumente kwakunye nomasipala ukuba anike ubukhosi imisebenzi yoburhulumente ngondlelamnyama (Isolotya Iwe – 15, 19, 20 kwakunye nela – 25).
7. Lo Mthetho uYilwayo ulushiya ngaphandle uluntu ngokubanzi. Zonke izigqibo malunga nesizwe zithathwa zinkosi, nezindlu zasebokhosini, namabhunga obukhosi bomthonyama kwakunye norhulumente ngaphandle kokubandakanya uluntu ngokubanzi.

8. Lo Mthetho uYilwayo uzakutyibisa ooSomaqhuzu nooNgxowankulu abaquka iiNkosi, lube lona uluntu lushiyeke ngaphandle lungaxhamli. Kungokuba lo Mthetho uYilwayo uvumela amabhunga obukhosi bomthonyama enze izivumelwano zorhwebo neenkampani kwakunye nomasipala bengathethananga nesizwe (Ilotya Iwa – 24).
9. Lo Mthetho uYilwayo utyeshela uMgaqo-siseko ngokusebenzisa “umthetho wesintu” owayilwa wagunyaziswa ngurhulumente wobukolonali kwakunye norhulumente wocalucalulo. UMgaqo-seseke waseMzantsi Afrika wona ugunyazisa umthetho wesintu ophilayo, othi uguquke yaye uphuhle nokuhamba kwexesha ngokugqamene nedlela osetyeziswa ngayo luluntu ngokubanzi.
10. Lo Mthetho uYilwayo unomkhetho phakathi kweNkosi zomthonyama neenkenkeli zamaKhoi-San. Iinkosi zomthonyama zinolowulo kumhlaba kwakunye nayenawuphina umntu ohlala kuwo; kodwa iinkosi/inkokheli zezizwe zamaKhoi-San zinolawulo kubantu kuphela.

Figure 1. IMap yeBantustans

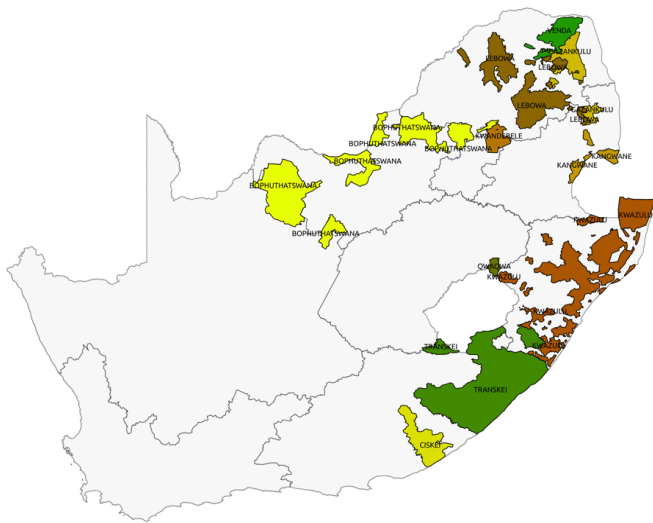


Figure 2. IMap yamabhunga omthonyama

