

24 June 2026

Mr A.T. Ntuli, MP
Premier of KwaZulu-Natal
Moses Mabhida Building
300 Langalibalele Street
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Honourable Mr Ntuli

UNJUST ADMINISTRATIVE ACTION: RECOGNITION OF AN *INKOSI* OF THE MTHIYANE-SOKHULU TRADITIONAL COMMUNITY

I trust this letter finds you well.

AfriForum was approached by members of the Mthiyane Royal Family regarding the recognition of an *Inkosi* (senior traditional leader) of the Mthiyane-Sokhulu Traditional Community.

The KZN Commission on Traditional Leadership Disputes and Claims (the Commission) investigated the traditional leadership dispute of the Mthiyane-Sokhulu Traditional Community between N.P. Mthiyane and B.P. Mthiyane, the Commission held hearings during March 2024.

The KwaZulu-Natal Traditional Leadership and Governance Act No. 5 of 2005 (the Act) determines the approach to such a dispute. I quote some of the most relevant sections of the Act for ease of reference:

- 49.(2) Any dispute contemplated in subsection (1) that cannot be resolved must be referred to -
- (a) the Provincial House of Traditional Leaders, which must seek to resolve the dispute in accordance with its rules and procedures within 30 days;
 - (b) the responsible Member of the Executive Council, in the event that the Provincial House of Traditional Leaders is unable to or has failed to resolve the dispute, who may, subject to the provisions of 21(1)(b) and 25 of the Traditional Leadership and Governance Framework Act, 2003, refer the matter to the Commission for its recommendation within 30 days; and
 - (c) the Premier, in the event that the responsible Member of the Executive Council is unable to or has failed to resolve the dispute, who must resolve the dispute within 30 days after consultation with –
 - (i) the responsible Member of the Executive Council;
 - (ii) the parties to the dispute; and
 - (iii) the Provincial House of Traditional Leaders.

June 2024

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Registration number: 2005/042861/08 • **NGO number:** 054 - 590

It is our understanding that the Commission never made its final report and recommendations public or available for input to at least one of the parties to the dispute. The dispute was therefore never resolved in compliance with the principles of legality.

AfriForum was informed that B.P. Mthiyane was recognised as *Inkosi* and that he was inaugurated as such on 29 March 2026, notwithstanding the unresolved dispute. It is our understanding that you attended the inauguration event.

The recognition of a traditional leader, under circumstances where a dispute relating to the position is the subject of an investigation by a commission, can only be described as unjust administrative action and therefore in contravention of the principles of legality.

The decision to recognise an *Inkosi* with the determination of the Commission pending, furthermore casts serious doubt on the independence and integrity of the Commission and the trustworthiness and legality of its work, including its report and recommendations. The fact that a person was recognised as *Inkosi* before the outcome of the Commission and its report was communicated to all parties, is indicative of the very high likelihood of undue influence in the work of the Commission – how else can the outcome of the Commission be pre-empted in this way?

AfriForum hereby requests that you answer the following questions and provide the information as indicated:

1. Can you confirm that B.P. Mthiyane was recognised and inaugurated as *Inkosi* of the Mthiyane-Sokhulu Traditional Community?
2. Please provide proof that the dispute was referred to the Provincial House of Traditional Leaders as determined by the applicable legislation.
3. Provide reasons why B.P. Mthiyane was recognised and inaugurated as *Inkosi* whilst the Commission's report and recommendations are still outstanding or unknown.
4. Provide reasons why the specific timelines stipulated in the applicable legislation were not complied with.
5. Indicate what steps you are planning to take to ensure compliance with the principles of legality and just administrative action.
6. Indicate what steps you are planning to take to keep officials responsible for these actions accountable.

The division, chaos and devastation caused within a cultural community, by the unthoughtful recognition and inauguration of a traditional leader that is also in contravention of the principles of just administrative action and legality, is well known by all those who understand grassroots realities. It is such actions that destroy trust in the rule of law and the institutions of constitutional governance.

AfriForum is deeply concerned about what seems to be the undermining of cultural identity, customary leadership, customary law and customs as well as a total disregard for the rule of law in KwaZulu-Natal relating to the traditional communities of the province.

Your urgent response in this regard will be appreciated.

Yours respectfully

Barend P. Uys
Head: Intercultural Relations and Cooperation
AfriForum

