# ILIFA LEMVELI LENTSHONA
# ISIKHOKELO SEZIKHUMBUZO NAMATYE EZIKHUMBUZO OLUNTU ESIQULUNQWAYO

*Zamkelwe zisuka kwiProjekthi yeZikhumbuzo naMatye eZikhumbuzo zoLuntu ka-SAHRA we-DAC" 2003) kwenziwa izilungiso emva kwentlanganiso yokubonisana noluntu eyayibanjelwe eFreedom Park ngomhla we-17 kuTshazimpunzi 2015 emalunga neeNguqu kuBume beLifa leMveli eMzantsi Afrika)*

**26 kweyeThupha 2015**


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*"Ilifa lethu lemveli libhiyozela esikuphumzileyo yaye linegalelo elikhulu ekulungiseni imeko yokungalingani yangaphambili. Liyimfundiso, landisa ukuqonda kwethu ngoluntu nentlalo yalo likwasikhuthaza ukuba sibe novelwano nabanye abantu. Likhuthaza ukuxola libuyisele nezinto eziphathekayo nezingumzekeliso wembuyiselo..."*

Ngokwentshayelelo yoMthetho iNational Heritage Resources Act (NHRA) (umhlathi 2) kubonakala ngathi ubhalelwe ngokukodwa ukulungiselela izikhumbuzo namatye ezikhumbuzo nafanele ukukubonakalisa, ngokuphandle nangokucacileyo ixabiso lazo zonke.

## 1. IINKCAZO-MAGAMA

"ukubaluleka kwenkcubeko" kuthetha ixabiso lobuchule bobugcisa okanye iingcali ngeelwimi, ezomphefumlo, ezentlalo yoluntu, inzululwazi ngezinto zendalo, imbali yamandulo, uyilo lwezakhiwo kunye nenzululwazi ngemithetho yobuhle"

"I-HWC" sisihunqulelo segama elithi ILifa leMveli leNtshona Koloni ngesiXhosa, iqumrhu eligunyazisisweyo lolawulo lobutyebi belifa lemveli kwiphondo leNtshona Koloni ngokoMthetho iNational Heritage Resources, 1999 (uMthetho 25 ka-1999)

"ugunyaziwe" ngumasipala ochazwe kwicandelo 10B loMthetho iLocal Government Transition Act, 1993 (uMthetho Nomb. 209 ka-1993)

"ugunyaziwe weeplani" yi-ofisi kaRhulumente, kuquka iphondo, ugunyaziwe wengingqi okanye wommandla, onamagunya okujongana nokwenza iiplani zeendawo

"umhlaba wesizwe" uthetha ubutyebi belifa lemveli eMzantsi Afrika nobunentsingiselo yokubaluleka kwenkcubeko okanye elinye ixabiso elilodwa labantu basekuhlaleni bexesha elimiyo nokulungiselela ikamva lezizukulwana ezizayo njengoko kuchaziwe kwicandelo-3 le- NHRA

"I-NHRA" nguMthetho iNational Heritage Resources Act (uMthetho 25 ka-1999)

"izikhumbuzo namatye ezikhumbuzo" kuthetha zonke izikhumbuzo kunye namatye ezikhumbuzo

(a) akhiwe emhlabeni walo naliphi na isebe likarhulumente wesizwe, urhulumente wommandla okanye wephondo, okanye kumhlaba wawo nawuphi na umbutho okanye iqumrhu elifumene inkxaso-mali okanye elimiselwe ngokwemithetho enjengeyesebe likarhulumente, okanye

(b) ahlawulelwe ngemirhumo, ngurhulumente, ngenkxaso-mali, okanye ngumbutho woluntu okanye umbutho wasemkhosini, nakumhlaba wakhe nawuphi na umntu ozimeleyo.

## 2. IMITHETHO-SISEKO

Izikhumbuzo namatye ezikhumbuzo zinentsingiselo ebalulekileyo kwinkcubeko okanye ixabiso elilodwa ngoko ke ziqwalaselwa njengeziyinxalenye yomhlaba wesizwe. Zikhuselekile njengelifa

lemveli (icandelo 27 okanye 37) kwaye zilawulwa jikelele ngokugcinwa kwirejista yezinto ezililifa lemveli.

Esi sikhokelo siqwalasela ukuba nako kwezikhumbuzo namatye ezikhumbuzo ukubonakalisa imbali yaseMzantsi Afrika yexesha lamandulo kwanokuchaza ubuni babantu besizwe nesiquka amaqela enkcubeko ngokwahlukeneyo.

Izikhumbuzo namatye ezikhumbuzo zinako ukulungisa ukungalingani okwadalwa zizenzo zangaphambili. Injongo yesi sikhokelo kukunika uncedo lwemithetho-siseko yolawulo lwezikhumbuzo namatye eziKhumbuzo amiyo nokudala amatsha kwanokumisela iinkqubo zokuchonga, ukuhlola nolawulo lwezikhumbuzo namatye eziKhumbuzo.

## 3. UKUCHONGA

Esi sikhokelo sihlangabezana nezakhiwo, izikhumbuzo, imifanekiso eqingqiweyo emiswe kwindawo yoluntu okanye yabucala (kuquka iziseko) kunye nezinye izinto ezingenakushenxiswa ezisisikhumbuzo somntu, iqela labantu, umbutho okanye isiganeko ezikwiindawo zoluntu okanye zabucala.

Izikhumbuzo namatye ezikhumbuzo kufuneka ziqukwe xa kuhlanganiselwa uluhlu ziziphath-amandla zolawulo locwangciso (jonga kwicandelo 30(5) leNHRA) okanye kwiphulo le-HWC ukuba zinoluvo lokuba kukho imfuneko yoko, ukuqwalaselwa izikhokelo zokubekwa ngokomgangatho kwezinto ezililifa lemveli kwii-HWC's *A Short Guide to Grading* ukwenza isiphakamiso sokubeka ngokomgangatho isikhumbuzo nelitye lesikhumbuzo, ukuqwalasela ukubaluleka kwentsingiselo yazo. Olu luhlu kufuneka lungeniswe kwi-HWC, neyakuthi ilufake kuluhlu lwezo zinto zibubutyebi belifa lemveli ezizalisa indlela yokuhlola kwirejista yezinto ezililifa lemveli.

Ukubekwa ngokomgangatho kwezikhumbuzo namatye ezikhumbuzo kuza kubonisa isiphatha-mandla esinoxanduva lalo nto illifa lemveli, kwaye kwiimeko ezininzi isenokuba ziziphath-amandla zocwangciso zokuhlala ukuba zibonwa zifanelekile.

Njengenxalenye yempahla yesizwe, izikhumbuzo namatye eziKhumbuzo kulo lonke eli lizwe, kumahlomela-dolophu nasemaphandleni, kufuneka zichongwe ze zibhalwe phantsi.

## 4. UVAVANYO LOKUBALULEKA KWENTSINGISELO NGOKWENKCUBEKO

Izikhumbuzo namatye ezikhumbuzo zisenokuba nentsingiselo ebalulekileyo kwinkcubeko ngokwelungelo lazo njengezakhiwo, kunye/okanye intsingiselo yazo isenokuba semntwini okanye kwisiganeko esikhunjulwayo. Intsingiselo yenkcubeko, nanjengokuba kusekelwe phezu kwe-NHRA nokusetyenziswa kwayo kwizikhumbuzo nakumatye ezikhumbuzo, kuquka:

- Ukuba nako ukuhlanganisela ulwazi oluya kuba negalelo ekuqondeni ngakumbi ngemveli yenkcubeko yoMzantsi Afrika (icandelo 3(3)(c)).
- Iimpawu ezizodwa zenzululwazi ngemithetho yobuhle nezinexabiso kwindawo yasekuhlaleni okanye kwiqela labantu benkcubeko (icandelo 3(3)(d)).

Umbutho owomeleleyo okanye owodwa wobomi nomsebenzi womntu, iqela labantu okanye umbutho obalulekileyo kwimbali yoMzantsi Afrika (s 3(3)(n)).

Okona kubalulekileyo, okukhoyo kuzo zonke izikhumbuzo namatye ezikhumbuzo, ngumba ongenakuphatheka nosisiseko sokuphathekayo – uqobo lwesikhumbuzo okanye lwelitye lesikhumbuzo. Ichule lobugcisa kufuneka lisebenzise umzekeliso ocacileyo ngalo lonke ixesha kuzo zonke iinkcubeko ngokwahlukeneyo.

**4.1 Izikhumbuzo namatye ezikhumbuzo**

Uluhlu lweenkcukacha malunga nezikhumbuzo namatye ezikhumbuzo ziyafuneka ukufumanisa ngentsingiselo yenkcubeko yazo. Zisenokusetyenziswa kwiindidi ezohlukeneyo zezikhumbuzo namatye ezikhumbuzo, umzekelo imifanekiso eqingqiweyo, ii-obheliski, amacwecwe esikhumbuzo.

Enye indlela enokusetyenziswa ukuqwalasea ukubekwa ngokomgangatho kwezikhumbuzo namatye ezikhumbuzo kwanokhuselo noxanduva lolawulo lwazo lixabiso, uthelekiso nentsingiselo equlethweyo.

4.1.1 Ixabiso lomsebenzi wobugcisa

- Igcisa eliyile/elenze/elidizayinileyo
- Udidi/isitayil/uyilo
- Umgangatho wemathiriyeli, umsebenzi wobuchule, impumelelo yobugcisa
- Iimpawu ezibonakalayo, impembelelo, okufanelekileyo (umlinganiselo, okusezingcingeni kuphela/ukwazisa)
- Umzekeliso ocacileyo wobugcisa noqondakalayo
- Ukubanako ukuqondakala ngokucacileyo kwiinkcubeko ezahlukeneyo
- Amaqela ezenkcubeko/inxalenye yeendawo zasekuhlaleni apho kwabelwana ngokubaluleka kwexabiso lazo

4.1.2 Ixabiso lembali, intlalo yoluntu nezopolitiko

- Imbali yomntu, iqela labantu, umbutho okanye isiganeko esikhunjulwayo
- Umyalezo wesikhumbuzo nelitye lesikhumbuzo welo xesha; sibe yimpumelelo kangakani na (uKumkanikazi uVictoria = ukongamela ikoloni; isikhumbuzo semfazwe = ukuhlonipha abafayo, umbulelo kumagorha alwela ilizwe *lawo*)
- Ulwazi olumiyo/ukuqonda/intsingiselo yesikhumbuzo okanye yelitye lesikhumbuzo; ingaba sithe satshintsha kwimo yaso yoqobo. Ingaba ngoku sidlulisa umyalezo owohlukileyo?
- Umhla wokumiswa kwaso, ngubani owanika iingcebiso zokumiswa kwaso, ngubani owasihlawulelayo, lwenziwa ngubani utyhilo lwaso
- Ingaba besike sasiwa kwenye indawo nangaliphi na ixesha lobukho baso? Sizathu sini esabangela ukuziswa kwaso kule ndawo sikuyo ngoku?
- Indawo yasekuhlaleni apho isikhumbuzo okanye ilitye lesikhumbuzo lilixabiso khona
- Ulwimi olusetyenzisiweyo okanye ekubhaliwe ngalo, kwanokuba ingaba alunamkhethe na (umz. izikhumbuzo zemfazwe)

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4.1.3 Ubume bemeko yokusingqongileyo ngokubanzi

- Ubudlelane (okanye intsilelo) phakathi komntu okanye loo mba usisikhumbuzo nendawo apho kumiswe khona isikhumbuzo okanye ilitye lesikhumbuzo
- Indawo yokuqala yesikhumbuzo okanye ilitye lesikhumbuzo, izizathu zokubekwa kwesikhumbuzo okanye ilitye lesikhumbuzo kuloo ndawo okanye ukubuyiselwa kwaso kwindawo esikuyo ngoku
- Ingaba kukho utshintsho olunentsingiselo ebonakalayo kwindawo esikuyo nohlobo lobume baso ngokubanzi ukususela ukumiswa kwaso?
- Ukuba nentsingiselo ebonakalayo okanye ukungabi nakuziqhelanisa
- Obunye ubudlelane ngokubanzi besikhumbuzo okanye ilitye lesikhumbuzo nayo nayiphina enye okanye iimpawu zendawo esikuyo
- Ukufaneleka kwendawo esingqongileyo/imbonakalo-mhlaba

### 4.2 Izikhumbuzo namatye ezikhumbuzo njengengqokelela

Ukuthathwa kwazo zonke njengengqokelela, izikhumbuzo kunye namatye ezikhumbuzo zingahlolwa ngendlela efanayo nezinye. Uqhagamshelwano phakathi kokuphinda-phindwa kwesikhumbuzo somntu okanye abantu okanye iziganeko ezenzeke kwiindawo ezohlukeneyo kufuneka zimiselwe kwaye zithathelwe ingqalelo (jonga ku-6.1 apha ngezantsi). Kufuneka kufunyanwe izizathu zokuphinda-phindwa (okanye ukwenziwa kweekopi) okanye zokumiselwa kwezikhumbuzo namatye ezikhumbuzo; kusenokwenzeka okokuba umntu okanye abantu benza indima ebalulekileyo kwinto ethile okanye isiganeko esachaphazela iindawo ezininzi kweli lizwe.

Ukubonakaliswa kwezikhumbuzo namatye ezikhumbuzo njengengqokelela yazo (kummandla nakulo lonke iphondo jikelele) kufuneka kuhlolwe kwaye kuthathelwe ingqalelo (jonga ku-5.1 apha ngezantsi). Izikhumbuzo zexesha lemfazwe, ingakumbi ezeMfazwe yeHlabathi yoKuqala neyeSibini, zingafumaneka kwidolophu nakwizixeko ezininzi. Zizikhumbuzo ngabo basishiyayo bekwamanye amazwe ngethuba besilwela oko babe kulwela, kwakunye nabo imizimba yabo ingazange ibuyiselwe elizweni labo. Abanye babo bakuthotho loluhlu lwabahloniphekileyo nolunamagama wabo bathi basishiya nabo babesebenza ngokuzinikezela jikelele.

## 5 ULAWULO LWEZIKHUMBUZO NAMATYE EZIKHUMBUZO ZIZIPHATH' AMANDLA EZAHLUKENEYO

### 5.1 Ukhuselo nokubekwa ngokwamazinga

Ukhuselo lwezikhumbuzo namatye ezikhumbuzo njengobutyebi belifa lemveli "zikwimo efanayo neendawo ezifakwe kwirejista yelifa lemveli" (icandelo 27 okanye 37), i.e. iBakala II okanye III (jonga apha ngentla phantsi konomb. 4). Ngoko ke ziya kuthi zilawulwe yi-HWC okanye ziziphatha-mandla zommandla neziya kuthi zimisele imithetho yolawulo lwedolophu ngokuhambelana nemigaqo-nkqubo kazwelonke kunye ne-NHRA.

Izikhumbuzo namatye ezikhumbuzo amiswe kummandla welifa lemveli yesizwe okanye kwindawo yelifa lemveli kazwelonke ziya kuthi zilawulwe njenge nxalenye yaloo mmandla wesizwe okanye njengendawo elilifa lemveli kuzwelonke. Isikhumbuzo okanye ilitye lesikhumbuzo elifanelekileyo

zisenokuba kwiBakala 1 ngokomfaneleko wazo. Kuzo zombini ezi meko zisenokulawulwa ngokwemigaqo yesivumelwano phakathi kwabezeLifa leMveli leNtshona Koloni ne-SAHRA.

**5.2 Uxanduva lolondolozo**

Ubume besikhumbuzo okanye ilitye lesikhumbuzo nendawo elimiswe kuyo, imbonakalo-mhlaba, kunye nolwazo okanye ingcaciso efumanekileyo kwisikhumbuzo okanye kwilitye lesikhumbuzo zisenokuba nefuthe kwiimbono zabo basijongileyo, oko kukuthi, ukongezeleleka okanye ukuhla kwexabiso labo ekuqondeni nasekonwabeleni isikhumbuzo okanye ilitye lesikhumbuzo elo.

Ukulungiswa nokulondolozwa kwesikhumbuzo okanye ilitye lesikhumbuzo kunye nomhlaba apho limiswe khona luxanduva lomninisikhumbuzo okanye welitye lesikhumbuzo eso kwanomnini womhlaba lowo simiswe kuwo ngokupheleleyo ngaphandleni kokuba kuthe kwenziwa esinye isigqibo semvumelwano. Ngokupheleleyo uxanduva lolawulo luxhomekeke kwiziphatha-mandla zommandla zolawulo lobutyebi belifa lemveli, nezifanele ukumisela, zibhale phantsi kwaye zigcine ulwazi olusemgangathweni olumalunga nokuba ngumnini nalowo unoxanduva loko.

Ukuba kuthe kwenzeka ukuba konakaliswe inkangeleko yesikhumbuzo okanye ilitye lesikhumbuzo, okanye xa kufuneka silungisiwe, kufuneka oko kwenziwe ngenkathalo xa sicocwa ukuqinisekisa ukuba sicocwe ngendlela efanelekileyo kwaye kusetyenziswe neendlela zobuchule obufanekileyo zolondolozo.

Umnini waso okanye, apho sikhoyo nakwesiphi na isakhiwo sikarhulumente (ummandla, iphondo okanye kuzwelonke) okanye ilungu leqela laseburhulumenteni kufuneka liqinisekise ukuba kusungulwa isicwangciso solawulo lolondolozo lwesikhumbuzo nelitye lesikhumbuzo ngasinye. Oku kufanele kuquke ulondolozo, ukulungiswa, ukucocwa, njl-njl, okujolise ekulondolozeni ukubaluleka kwentsingiselo yesikhumbuzo okanye yelitye lesikhumbuzo eso ukulungiselela imfundiso, inzululwazi ngemithetho yobuhle kunye neenjongo zokhenketho.

**5.3 Uboniswano**

Kukho imfuneko engamandla yokuba oogunyaziwe abachaphazelekayo babambe iintlanganiso zokubonisana ne-NHRA okanye ugunyaziwe wocwangciso lwengingqi ababhalise kwirejista ye-HWC okanye iziphatha-mandla zolawulo locwangciso lommandla. Ngokwembono malunga nemiba enobuzaza enxulumene nokususwa kwezikhumbuzo kunye namatye ezikhumbuzo kwiindawo amiswe kuzo kwaneendlela abayakuthi abantu basekuhlaleni bathabatheke ngayo, kuza kufuneka ukuba kubanjwe eyona ntlanganiso inkulu yodliwano-ndlebe nalowo ufake isicelo apho ukufakwa kwezicelo malunga nakuphina ukususuwa okanye ukutshintshwa kwazo kuyakuthi kuqwalaselwe ngeliso elibukhali. Kuza kufuneka kusetyenziswe kwaolu qwalaselo lufanayo malunga nokufakwa kwezicelo ezitsha zezikhumbuzo nezamatye ezikhumbuzo.

Kucetyiswa ukuba kufuneka kufumaneke izimvo zoluntu ngokubanzi ingakumbi xa kukho ukungavisisani malunga nesikhumbuzo okanye ngelitye lesikhumbuzo, ngokusebenzisa amaphepha-ndaba nangokubanjwa kweentlanganiso zodliwano-ndleba njl-njl. Imbono zoluntu nezizathu zalo, kwanokungangqinelani nentsingiselo yokubaluleka kwezikhumbuzo ezo kufuneka kuqwalaselwe

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ziziphatha-mandla ezinoxanduva lolawulo. Abachaphazelekayo abenjengabantu abathe banegalelo ngokwezimali kwisikhumbuzo okanye kwilitye lesikhumbuzo banelungelo lokuba babizwe kwintlanganiso yodliwano-ndlebe.

**5.4 Uthatho-zigqibo**

5.4.1 Oogunyaziwe bocwangciso lwengingqi kunye noogunyaziwe basekuhlaleni
Ngokwecandelo 30(11) le-NHRA iziphatha-mndla zolawulo lomandla xa kuqwalaselwa ukufakwa kwezicelo ezifuna naluphi na ulungiso lwesikhumbuzo nelitye lesikhumbuzo esingeyo nxalenye yendawo yelifa lemveli eNtshona Koloni okanye kuzwelonke, kwaye kufuneka sibambe intlanganiso yodliwano-ndlebe nomnini, iziphatha-mandla zolawulo locwangciso, igqiza lolawulo lobutyebi belifa lemveli namaqela afanelekileyo olondolozo/imibutho engekho phantsi kolawulo lukarhulumente. Kukwafuneka sisebenze ngokuhambelana nesi sikhokelo, amalungiselelo aso afanelekileyo okhuseleko nangokwefuthe le-NHRA.

Izicelo neziphakamiso ezifakiweyo kufuneka zingeniswe ngembalelwano equlethe iinkcukacha eziyimfuneko kwaye kufuneka zikhuthazwe ngendlela efanelekileyo. Isicelo esifakiweyo kufuneka siquke, kangangoko sinako, uphando oluyinkxaso kunye nengxelo yentsingiselo ngokwenkcubeko yesikhumbuzo nelitye lesikhumbuzo kunye nesiphumo sayo nayiphi na inkqubo yentlanganiso yodliwano-ndlebe kunye noluntu ezithe zabanjwa ngumfaki-sicelo. Iziphakamiso ezifakiweyo ngesikhumbuzo okanye ilitye lesikhumbuzo kufuneka ziqwalaselwe ngokwezidima zazo nangokunxulumene nazo naziphi na izinto eziqukiweyo zomboniso wenkcazelo weziqokelelweyo nokuba zezifanelekileyo kummandla, isiphaluka okanye ngokuqulathwe kuzwelonke.

Intsingiselo ngokwenkcubeko kufuneka ihlolwe (jonga ku-4 apha ngentla kwaye kufuneka ingeniswe ze ikhankanye okubalulekileyo xa kuqwalaselwa utshintsho. Kubalulekile ukuba amaxabiso angatshintshiyo kunye nawuphi na umqondiso okanye unxibelelwano phakathi kwesikhumbuzo okanye ilitye lesikhumbuzo nendawo elimiswe kuyo nokuxabiseka kwalo. Xa iziphatha-mandla zolawulo kufuneka ziqwalasele isicelo esifakiweyo okanye isiphakamiso zisenokumisela igqiza leengcebiso, eliquka ingcaphephe eziqeqeshwe kwizifundo ezeenkalo zobugcisa/ukuqingqa/ubugcisa paphandle, ucwangciso lokwakhiwa kweedolophu, ezembali (kuquka eyasekuhlaleni, eyentlalo, nezasemkhosini), nabakwiinkalo zenkcubeko/ilifa lemveli kwaneenkokheli zopolitiko nezenkolo.

5.4.2 ILifa leMveli leNtshona Koloni, ugunyaziwe wezinto ezililifa lemveli wephondo leNtshona Koloni

I-HWC iyakuthi iqwalasele zonke izicelo ezifakiweyo ngokwemigaqo yecandelo 27(18) le-NHRA ukulungiselela umonakalo onokukthi wenzeke, ukomba umngxuma, utshintsho okanye ukususwa kwindawo esikuyo isikhumbuzo okanye ilitye lesikhumbuzo kwindawo elilifa lemveli kwiphondo ngokwenkqubo yesiqhelo yokufakwa kwesicelo. Izicelo ezifakiweyo ziyakuthi ziqwalaselwe kuphela ukuba zithobelana nemithetho emisiweyo kunye nazo zonke iimfuneko ze-HWC neenkqubo zokubanjwa kwentlanganiso yodliwano-ndlebe noluntu ezithe zagqityezelwa. Abafaki-zicelo kufuneka babonakalise ukuba ingaba injongo ijolise phi ngokumalunga nemeko yesibongozo esifakiweyo sexesha elizayo kwanokhathalelo lwesikhumbuzo okanye ilitye lesikhumbuzo ukuba

kuthe kanti isicelo esifakiweyo sesokususwa kwaso kwindawo esikuyo kwanomntu oyakuthi abe noxanduva lwenkathalelo nolondolozo lwesikhumbuzo okanye ilitye lesikhumbuzo kwixesha elizayo.

**5.5 Umboniso nokhuthazo**

Iziphatha-mandla zolawulo lobutyebi belifa lemveli kunye negqiza lolawulo lommandla kufuneka zenze ulungelelaniso lokubonakaliswa nokusetyenziswa kweendawo ezinentsingiselo ebalulekileyo yenkcubeko “ukonwabisa uluntu lwasekuhlaleni, imfundiso, ukwenziwa kophando nezokhenketho” (s44).

Iinkcukacha malunga nezikhumbuzo namatye ezikhumbuzo kufuneka zifumaneke kwindawo leyo (umz. iibhodi zembali yamabali abhaliweyo) nakwiindawo ezisembindini ezinjengee-ofisi zeenkcukacha ngezokhenketho nakumathala eencwadi okanye zifakwe kwiwebhusayithi okanye kwiindawo zezokhenketho. Apho kukho ingqokelela yezikhumbuzo namatye ezikhumbuzo loo ndawo isenokubhengezwa njengomzila wokukhenketha idolophu othi uthathe abantu ubase kwiindawo ezinika umdla nezonwabisayo zesixeko okanye zedolophu leyo ukuze babe nokubona izikhumbuzo okanye amatye ezikhumbuzo ezithi “zichaze” ibali lendawo, okanye imizekelo engaqhelekanga yomxholo, njl-njl.

Kwimeko egqithisileyo apho isikhumbuzo okanye ilitye lesikhumbuzo lisusiwe kwindawo yalo, kufuneka kubekwe ucwecwe olufanelekileyo eludongeni ukwenza uphawu lwendawo yalo kwanokunika iinkcukacha ezifanelekileyo malunga nesikhumbuzo okanye ilitye lesikhumbuzo eso belikuloo ndawo. Kufuneka kunikwe inkathalo ukuqinisekisa ukuba icwecwe elibekwe eludongeni lenziwe ngezinto ezifanelekileyo kwanokuba lifakelwe ngendlela eyiyo ukuqinisekisa ukuba liya kuhlala likhuselekile ekonakalisweni kwaye lihlale ixesha elide.

## 6. UKULUNGISA IZEHLO ZOKUNGALINGANI ZANGAPHAMBILI

Kucacile ukuba izikhumbuzo namatye ezikhumbuzo awayibonakalisi yonke imbali yaseMzantsi Afrika yexesha lamandulo, engachazi nabunini bawo ngokwesizwe kuquka namaqela enkcubeko awohlukeneyo. Ukuchaza ukulingana ngokomlinganiselo wokuqonda (“ukuthatha inyathelo lokubuyisela umakulinganwe”) amanyethelo okuqala ekufuneka ethathwe ngabantu basekuhlaleni kunye neziphatha-mandla zolawulo kukuqwalasela izikhumbuzo namatye ezikhumbuzo amiyo kwanokuqalisa amatsha (jonga ku-6.2 apha ngezantsi).

**6 .1 Ukuhlowa ngokutsha kwezikhumbuzo namatye ezikhumbuzo oluntu amiyo**

Ngeli lixa iimvakalelo nezimvo zoluntu zinendima ebalulekileyo ekuphenduleni ngokweemfuno zabantu malunga nezikhumbuzo namatye ezikhumbuzo nekufuneka zithathelwe ingqalelo, kwangaxeshanye ke kuyinyaniso ngokulinganayo okokuba ulwazi abanalo abantu malunga nezikhumbuzo namatye ezikhumbuzo alwanelanga, ngako oko zithi zithathwe jee ngokolo hlobo zicingelwa ngalo luluntu.

Ukuhlola ngokutsha izikhumbuzo namatye ezikhumbuzo iziphatha-mandla zolawulo ezinoxanduva loko kufuneka zifumana iinkcukacha ngentsingiselo yenkcubeko, zibambe intlanganiso yodliwano-

ndlebe noluntu kwaye zilandele inkqubo emiselweyo (jonga ku-5.3 naku-5.4 apha ngentla). Ukuthathwa kwezigqibo ezikhawulezileyo kusenokuba neziphumo ezibi kwaye kufuneka kuthintelwe. Indlela zokuzikhethela ezichazwe apha ngezantsi nekufuneka kwenziwe uphando ngazo ukuze kube nokufunyaniswa eyona ndlela ifanelekileyo yokuchaza ngozinzo. Iindleko zemali yotshintsho kufuneka kwenziwe uphando ngazo kuthathwe nezigqibo ngazo.

Ngethuba isicelo esifakiweyo ngasinye kufuneka siqwalaselwe ngesidima esisifaneleyo, okona kungcono kukuba siqwalaselwe ngokutsha kunokuba sithunyelwe kwenye indawo, kananjalo ke kungcono ukuba sisiwe kwenye indawo kunokuba sitshatyalaliswe kwimo yaso yemveli.

*6.1.1 Utoliko ngokutsha, ukhuthazo nemfundo*

Ukuphucula okanye ukuphakamisa izinga lezikhumbuzo okanye lamatye ezikhumbuzo, inyathelo lokuqala kukuba kunikezelwe ngeenkcukacha ezongezelelweyo malunga nentsingiselo yenkcubeko kwindawo yesikhumbuzo okanye yelitye lesikhumbuzo. Oku kuhambelana noko kuchaziweyo (jonga ku-5.5 apha ngentla). Inyani ngembali nokutolikwa ngokutsha kwentsingiselo yomntu okanye isiganeko esikhunjulwayo ziya kuba luncedo kwabo bazityelelayo ukuqonda nokuzenzela ezabo izigqibo malunga nesikhumbuzo okanye ilitye lesikhumbuzo eso.

*6.1.2 Ukusiwa kwenye indawo*

Xa isikhumbuzo okanye ilitye lesikhumbuzo kucingelwa okokuba lisenokuxabanisa okanye ikhubekise kufuneka kuchazwe isizathu nohlobo lwesikhalazo esifakiweyo. Nasiphi na isicelo esifakiweyo esiquka utshintsho (esinjengokusiwa kwenye indawo okanye ukususwa) kufuneka siqwalaselwe ziziphatha-mandla zolawulo ezifanelekileyo (jonga ku-5.3 naku-5.4 apha ngentla) emveni kwentlanganiso yodliwano-ndlebe nabantu basekuhlaleni kwakunye namaqela achaphazelekayo kwaneendleko ezibandakanya ukusiwa kwenye indawo, zihlangene nesiseko sesikhumbuzo eso, kufuneka nazo ziqwalaselwe kwaye zabelwe imali. Imvume yesicelo sokusiwa kwenye indawo kufuneka ifumaneke kwiziphatha-mandla zolawulo lommandla ezifanelekileyo okanye kwi-HWC. Kucetyiswa ukuba kubalulekile ukuqinisekisa ukuba kuqashwa abantu abanezakhono ezifanelekileyo ukuqwalasela ukusiwa kwenye indawo kwesikhumbuzo okanye ilitye lesikhumbuzo.

Ukuba isikhumbuzo okanye ilitye lesikhumbuzo alinxulumenanga nokulilifa kwindawo elimiswe kuyo okanye lalike lasuswa kwindawo ethile, okanye isimo sendawo elimiswe kuyo siguqukile, kusengafaneleka ukuba liyo kumiswa kwenye indawo. Kwindawo ekufuneka kusiwe kuyo isikhumbuzo okanye ilitye lesikhumbuzo eso kufuneka ibe nonxulumano nalo kwaye kufuneka libe kwindawo efanelekileyo ukuze libonwe kwaye lonwatyelwe.

*6.1.3 Uhlaziyo lwezinto ezisebenzileyo (uhlaziyo ngakumbi)*

Xa isikhumbuzo okanye ilitye lesikhumbuzo lifunyaniswe okokuba lisenokuxabanisa okanye ikhubekise xa kuhlolwa intsingiselo ngokwenkcubeko, kufuneka kuchazwe isizathu nohlobo lwesikhalazo esifakiweyo. Nasiphi na isiphakamiso esifakiweyo sohlaziyo ngakumbi siquka utshintsho

kwimo kwaye kufuneka siqwalaselwe iziphatha-mandla zolawulo ezifanelekileyo (jonga ku-5.3 naku-5.4 apha ngentla).

Uhlaziyo ngakimbi okanye ukutshatyalaliswa linyathelo lokuncamela. Kwindawo ekususwe kuyo isikhumbuzo okanye ilitye lesikhumbuzo kufuneka kuchazwe isizathu sokususwa kwaso kunye nendawo esisiwe kuyo kwaye oko kubhalwe phantsi. Ukongeza, ukususwa kungenziwa kuphela xa kuthe kwathathwa isigqibo kwintlanganiso yodliwano-ndlebe nabantu basekuhlaleni kunye/okanye namaqela achaphazelekayo, namalunga neendleko ezibandakanya ukususwa kwaso, zihlangene nesiseko (apho kuyimfuneko), kwakunye nolwabelo-mali loko nasekubeni imvume yesicelo sokusiwa kwenye indawo kufuneka ifumaneke kwiziphatha-mandla zolawulo lommandla ezifanelekileyo okanye kwi-HWC. Kucetyiswa okokuba kuqinisekiswe ukuba kuqeshwa abantu abanezakhono ezifanelekileyo ukuchophela okususwa kwesikhumbuzo okanye ilitye lesikhumbuzo.

Kucetyiswa ukuba kumiselwe iindawo ezikhuselekileyo eziya kuthi ezi zikhumbuzo okanye amatye ezikhumbuzo kuphikiswana ngawo asiwe kuzo nalapho aya kuthi abonwe khona ngabantu basekuhlaleni abanqwenela ukuya kuwabona.

*6.1.4 Ubuyiselo*

Kufuneka kuqwalaselwe ngobulumko konke okuqhubekayo kwindawo ekususwe/nekusiwa kuyo isikhumbuzo /ilitye lesikhumbuzo. Kufuneka kufumaneke iinkcukacha malunga nokusiwa kwenye indawo okanye ngokususwa kulo ndawo (umz. iibhodi zembali) kunye nembonakalo-mhlaba efanelekileyo. Kucetyiswa ukuba isikhumbuzo okanye ilitye lesikhumbuzo zingatshintshwa ngezinye njengoko oko kusengaba sisonyeliso.

## 7. UKUSETYENZISWA KWESI SIKHOKELO

Esi sikhokelo kufuneka sihambelane nezigqibo ezithathwe yi-HWC kwaye kufuneka sikhokele iziphatha-mandla zolawulo locwangciso lommandla eNtshona Koloni ekuphuhliseni imigaqo-nkqubo neenkqubo ezisetyenziswayo ukuhlangabezana nemiba yezikhumbuzo namatye ezikhumbuzo ekuhlaleni.

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