

CONTRALESA

11/23/7
Congress of Traditional Leaders of South



Mr Hassen Ebrahim
Executive Director
Regis House
11th Floor

Adderley Street
CAPE TOWN
8000

URGENT ATTENTION
OF CYRIL RAMAPHOSA
FROM MARION SPARG

P.O. Box 15
CAPE TOWN
8000
03/04/1996

*Thursday
after M.I.*

Dear Mr. Ebrahim

REQUEST TO MAKE ORAL SUBMISSION

You would be aware that in terms of a resolution taken at the World Trade Centre Constitutional Talks traditional leaders are supposed to participate in the work of the Constitutional Assembly through the council of Traditional leaders.

The council has never been established The Congress of Traditional Leaders of South Africa is extremely concerned that in spite of the Workshop which was organized by the Constitutional Assembly to canvass the views of traditional leaders and others, the drafters of the final constitution are still dilly-dallying in producing the necessary provisions regarding the institution of traditional leaders.

In order to assist the process Contralesa requests that it be given an opportunity to address the Constitutional Committee before the final draft is concluded. We would further request that the Constitutional Assembly provide transportation and accommodation assistance to three delegates to represent the organization.

We trust that you will find our intervention helpful.

Yours faithfully

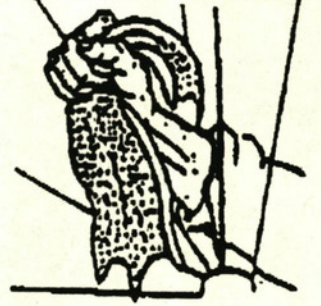
Nkosi S.P. Holomisa(A! Dilizintaba)

CONTRALESA

The Dawn of Freedom

TRANSVAAL REGION

Congress of Traditional Leaders of South Africa



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FAX COVER SHEET

Please deliver this document to addressee AS SOON AS POSSIBLE

TO: THE EXECUTIVE DATE: 02-04-96
DIRECTOR
CONSTITUTIONAL ASSEMBLY FAX NO.: 021-24 1160
 FROM: CAMEF S.C. MHINGA

Please receive this page and 2 pages following

If you do not receive the correct number of pages, please contact the sender at the above Tel. and Fax. numbers.

NOTES/COMMENTS: Greetings: HEREWITH OUR RESOLUTION
ON THE CONSTITUTION AND THE INSTITUTION
OF TRADITIONAL LEADERSHIP. THIS DOCUMENT
SHOULD FORM THE BASIS OF OUR DISCUSSION
IN OUR FORTH-COMING URGENT MEETING.
PLEASE CONFIRM RECEIPT HEREOF.

Thanks and Regards

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CONGRESS OF TRADITIONAL LEADERS OF SOUTH AFRICA.

CONFERENCE HELD ON 29-31 March 1996

SUBMISSION TO THE CONSTITUTIONAL ASSEMBLY

The congress of Traditional Leaders of South Africa held a Conference on 29-31 March 1996 at the Mariston hotel in Johannesburg. The objective of the Conference was to develop an understanding and formulate positions on the following issues:

1. LAND
2. THE NEW CONSTITUTIONAL AND THE INSTITUTION OF TRADITIONAL LEADERSHIP.
3. TRADITIONAL LEADERS AND RURAL DEVELOPMENT PARTICULARLY RDP DELIVERY.

On THE CONSTITUTION AND THE INSTITUTION OF TRADITIONAL LEADERSHIP, the conference made the following resolutions which are hereby forwarded to your Office:

1. The meeting condemned the deliberate exclusion of traditional leaders in the constitution-making process. This is contrary to the resolution taken at the World Trade Centre Constitutional Talks that the Council of Traditional Leaders would participate in the constitution-making process.
2. The meeting maintains that the original provisions of the interim constitution relating to the institution of traditional leadership should be retained and improved in the following respects:
 - 2.1 In the event of the Council or the House rejecting a Bill referred to it, such a Bill must not be passed unless it enjoys the support of 60% of the members of the Legislature.

- 2.2 The Council/House shall have the right to initiate relevant legislation.
- 2.3 The Council/House shall have the right to initiate meetings with the President/Premier for discussions on matters of national or provincial importance.
- 2.4 The Council/House shall have the right to comment on any Legislation.
- 2.5 Council/House shall have the power to call ministers/MECs to account for matters identified by the Council/House to be of importance.
- 2.6 There should be a Ministry responsible for Traditional Authorities.
- 2.7 The Traditional Authorities shall remain primary structures of Local Government which shall include the democratically-elect Councils.
- 2.8 Heads of Traditional Authorities shall be ex-officio members of District Councils.
- 2.9 Traditional Courts shall be categorically recognised by the Constitution, and relevant Legislation be enacted in this regard.
- 2.10 An independent Commission of Inquiry shall be established to look into questions of disputes around Chieftaincy.
- 2.11 The Bill of Rights shall apply vertically between the state and the individual. Legislation shall be enacted to deal with African Laws on matters of succession, inheritance, marriage, etc.