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CONSTITUTIONAL ASSEMBLY
THEME COMMITTEE 2
STRUCTURE OF GOVERNMENT
Core Group Meeting

MONDAY
21 AUGUST 1995
14h00-15h00
M46

DOCUMENTATION

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CONSTITUTIONAL ASSEMBLY
THEME COMMITTEE 2
STRUCTURE OF GOVERNMENT

**CONSTITUTIONAL AMENDMENT:
REPORT**

SECOND DRAFT

THEME COMMITTEE 2

DRAFT REPORT ON BLOCK 7

CONSTITUTIONAL AMENDMENTS

INTRODUCTION

1 This draft report deals with constitutional amendments. As in the case of the electoral system, submissions received from political parties on constitutional amendments were, in general, brief. The same applies to the small number of other submissions (cf volume 27 of the submissions made to Theme Committee 2).

2 Only two political parties (the ANC and the NP) made separate submissions on constitutional amendments. Other parties (the ACDP, the DP and the IFP) referred to amendments in other submissions.

3 In its deliberations on constitutional amendments, the Committee was guided by Constitutional Principle XV, which provides that amendments to the Constitution require special procedures involving special majorities. It was also mindful of section 74 of the Interim Constitution which prohibits the amendment of specified parts of the Constitution (eg the amendment of the Constitutional Principles), and, similar to section 62, contains the principle of a two-thirds majority. The Committee also noted the principle contained in section 62(2) of a special procedure for the amendment of certain sections affecting the provinces.

4 This draft report consists of three parts. The first is a numbered, tabular summary of the conclusions reached by the Theme Committee on each of the matters listed. The positions of political parties are briefly reflected in the "Comments" column of the table. The second part of the report deals with the written submissions received by the Committee. The third part consists of a draft formulation.

5 In view of the fact that the written submissions of the political parties were brief, they are included in full in the second part of the report. As far as other submissions are concerned, useful and accurate summaries have been prepared by the CA Administration. These summaries are included in the second part of the report.

PART 1

CP/SEC	CONSTITUTIONAL ISSUE	AGREEMENT	CONTENTION	COMMENT
	1. Constitutional provisions not subject to amendment.		No agreement on issue	The ANC (and by implication the DP) propose that all provisions of the Constitution should be open to amendment. The NP suggests that the commitment to a democratic form of state and democratic mechanisms should be entrenched absolutely.

CP/SEC	CONSTITUTIONAL ISSUE	AGREEMENT	CONTENTION	COMMENT
XV	1 Special majorities for constitutional amendment	Most parties agree		<p>1 The ACDP (vol 2 p 3) refers to amendment with the consent of the people and local and provincial governments.</p> <p>2 The FF and PAC are silent on this issue.</p> <p>3 The ANC, DP (Political Party Submissions Block 2/3 (composite edition) p 3), the IFP (IFP's General Submissions as at 24 Feb 1995 p 24), and the NP agree that there should be special majorities.</p>

CP/SEC	CONSTITUTIONAL ISSUE	AGREEMENT	CONTENTION	COMMENT
XV	2 Special procedures	Most parties agree	Nature of procedures	<p>1 The ANC refers to "relevant constitutionally prescribed majorities and procedures".</p> <p>2 The DP, FF, and PAC do not address this matter specifically.</p> <p>3 The IFP proposes, in addition to special majorities, a "cooling off period", two separate legislative processes or a single legislative process and a referendum.</p> <p>4 The NP is in favour of certain aspects of the Constitution being beyond amendment; and besides specific majorities, a special procedure for the amendment of provincial matters, and a schedule of</p>

CP/SEC	CONSTITUTIONAL ISSUE	AGREEMENT	CONTENTION	COMMENT
	3 Where/how majority should be obtained			<p>1 The ANC and NP refer to the total number of both houses* of Parliament. (The NP states specifically "in a joint sitting" of both houses.)</p> <p>2 The ACDP, DP, FF, IFP, and PAC are silent on this issue.</p> <p><i>* This is dependent on clarity about the position of the Senate.</i></p>
XV	4 Extent of majority	Two thirds		<p>1 The ANC, the IFP and the NP support a two-thirds majority. (The IFP refers to "no less than two thirds".)</p> <p>2 The other parties are silent on this issue.</p>

PART 2**SUBMISSIONS**

ADDENDUM A - Political parties submissions

ADDENDUM B - Public submissions

PART 3**DRAFT FORMULATION**

This Constitution shall be amended only by a bill adopted by at least two-thirds of the members of the National Assembly.¹

¹ (a) Depending on the nature and function of the Senate it should be determined whether an amendment requires a joint sitting of both houses or whether the required majority should be achieved in each house sitting separately.

- (b) The NP proposes the entrenchment of the Constitution at four levels:
- (i) absolute entrenchment of the commitment to a democratic form of state and democratic mechanisms;
 - (ii) general entrenchment of the constitution by requiring a two-thirds majority for all other provisions;
 - (iii) specific entrenchment of provincial matters by retaining s 62(2) of the interim Constitution; and
 - (iv) 'judicial entrenchment' of the most basic fundamentals of a democratic state, articulated in a schedule to the Constitution, by requiring that the Constitutional Court certifies that any amendment is in accordance with these fundamental principles.

CONSTITUTIONAL ASSEMBLY

THEME COMMITTEE 2
STRUCTURE OF GOVERNMENT

REPORT :
TRADITIONAL AUTHORITIES
(BLOCK 4)

MEMORANDUM

TO : Members of Theme Committee 2
FROM : Members of ad-hoc committee :- Traditional Authorities
RE : **First draft : Indigenous Leadership**

We are of the opinion that the draft provisions set out above provide an adequate framework for the recognition of indigenous leadership. The reason is that, at this stage, it is difficult to proceed to issues of detail in the absence of knowledge regarding the political decisions that may be taken in respect of the matter. For instance, the recommendation would change drastically if it was eventually decided to accommodate indigenous leaders at National level through the mechanism of Senate. At any rate, assuming that recognition at all three levels will remain predicated on the present concepts of ex officio membership at local level; the House at Provincial level and the Council at National level we would recommend the retention (in addition to the above) of some of the provisions in Chapter 11 of the Interim Constitution. These are:-

- sec.182
- sec.183, and
- sec.184

on the understanding that the language of these sections may have to be adjusted to take into account agreements reached by the Theme Committee. In particular, a way should be found to accommodate the requirement that:

"Where a traditional leader is elected to any structure as a political operative, he/she must relinquish the traditional position."

- Note :**
1. We recommend further that, though this language appears in the TC2 Report under the Local Government heading, the principle should apply to indigenous leaders at Provincial and at National level as well. This would be in line with the main thrust of the submissions received.
 2. The issue of indigenous law and indigenous courts has been dealt with by TC5: we endorse the draft formulations they arrived at.

FIRST DRAFT - 15 AUGUST 1995

Status :-

Draft by Ad-Hoc Committee technical advisers.

Chapter X

INDIGENOUS LEADERSHIP *

Recognition of indigenous leadership

1. (1) The institution of indigenous leadership is recognized.

(2)(a) The status, functions and role of indigenous leaders shall be spelt out in legislation subject to the provisions of the Constitution and of indigenous law:

(b) Such legislation shall not disrupt the traditional hierarchy of leadership as constituted under indigenous law.

(3) Provincial legislatures shall have the competence to make provisions relating to the institution, role, authority and status of any monarch in the provincial constitution, subject to section 1(2) (b) above.

* The Theme Committee recommended that the question of the legitimacy and authenticity of indigenous leaders be referred as a matter of urgency to a Commission of Enquiry which will determine such issues on the basis of indigenous law.

THEME COMMITTEE 2**REPORT ON BLOCK 4****TRADITIONAL AUTHORITIES****A. INTRODUCTION**

This report was drawn up on the basis of submissions received from political parties, organisations of civil society, individuals, the public participation programme and other activities of the Constitutional Assembly.

The report is divided into two sections. The first is a tabular summary of the submissions received by the Theme Committee. The second is an elaboration of the table: i.e. it is a more extended discussion of the views summarized in the table.

MATERIAL CONSIDERED

1. Submissions received from parliamentary political parties¹ (in alphabetical order):
 - African Christian Democratic Party (ACDP)
 - African National Congress (ANC)
 - Democratic Party (DP)
 - Freedom Front (FF)
 - National Party (NP)

2. Submissions received from the public and organisations of civil society:
 - 2.1 Individuals:
See attached Appendix 1

 - 2.2 Organisations:
See attached Appendix 2

¹ The General Submissions of the Inkatha Freedom Party of 24 February 1995 before that party withdrew from the Constitutional Assembly were also scrutinised, and will be referred to in this report as and when necessary.

B. SCHEMATIC REPORT ON TRADITIONAL AUTHORITIES

CONST. PRINC; SECT	CONSTITUTIONAL ISSUES	AGREEMENT	CONTENTION	COMMENT
XIII; s181(1), (2)	1. Recognition of institution, status and role of traditional leadership and of indigenous law.	<p>1. The Constitution should expressly recognise traditional leaders in accordance with CPXIII. ACDP,ANC, DP, FF, NP and CPG are in agreement on this point.</p> <p>2. Indigenous law should be recognised and made subject to the Constitution like any other law.</p>		<p>1. CONTRALESA and 46 individual and group submissions also endorse this position.</p> <p>2. A minority (21) of the individual and group submissions was against any mention of traditional leaders in the Constitution, seeing the institution as : outdated; having no relevance in a multi-ethnic society; expensive, undemocratic,etc.</p> <p>3. Corresponding roughly to the same group of submissions, there were suggestions that communities should decide by referendum whether they wanted traditional leaders, and if they did they should pay for them - e.g by additional taxes, etc.</p> <p>4. There was no serious challenge to the view of the NP, SANCO, CONTRALESA, CPG, and two individual submissions that recognition should be conferred only on "authentic" or "legitimate" traditional leaders; that the determination of disputes over these matters be undertaken as a matter of urgency.</p> <p>5. The question of the names and titles to be adopted when referring to traditional leaders was raised in a significant number of submissions. There was a general feeling that indigenous titles should be used. The NP and some provincial organisations endorsed this view.</p>

CONST. PRINC; SECT	CONSTITUTIONAL ISSUES	AGREEMENT	CONTENTION	COMMENT
CP XIII; Chap.11	2. Role and functions of traditional leaders, generally	1. The status, functions and role of traditional leaders should be spelt out in separate legislation in accordance with the provisions of the Constitution.		1. Viewpoints differed as to whether traditional leaders should have powers and functions over and above those they currently enjoy under indigenous law, and whether these should be spelt out in the Constitution
CP XIII; XVII; Sec 184; ss36, 40(1); 48(1)	3. Accommodating traditional leaders at National level	1. Traditional leaders must have a role to play at National level : ACDP, ANC, FF, NP and CPG are in agreement on this. The DP did not make proposals on this specific issue.		<p>1. There are divergent views regarding the nature and the form of representation: ACDP prefers traditional leaders to be a nominated component of the Upper House; FF also strongly favours the accommodation of traditional leaders in Senate without proposing any procedures. ANC, NP, CPG and CONTRALESA support the establishment of a Council of Traditional Leaders.</p> <p>2. A minority of individual submissions supporting a continued role for traditional leaders in the Constitution rejected any participation at National level.</p> <p>3. Two submissions proposed a structure of governance according to which South Africa would be a constitutional monarchy, with one of the recognised kings as head of state on a rotational basis.</p>

CONST. PRINC; SECT	CONSTITUTIONAL ISSUES	AGREEMENT	CONTENTION	COMMENT
CP XIII, XVII; Sec 183	4. Accommodating traditional leaders at Provincial level	<p>1. Traditional leaders must play a role at Provincial level. All parties agree : DP did not submit on this specific issue.</p> <p>2. General support for sec 183 providing for the establishment of Provincial Houses of Traditional Leaders</p>		<p>1. ANC and NP view traditional leaders participation at National level as advisory only: CONTRALESA envisages a more interventionist role</p> <p>2. Seven individual (and group) submissions wished the role of traditional leaders to be restricted to Provincial level (i.e - no National or Local role). Three favoured advisory powers: four opted for stronger intervention (with one favouring a veto where matters involving the community were concerned)</p> <p>3. In KwaZulu-Natal the Zulu King's Council proposes a structure in which the King shall be Monarch of the Province and supreme head of the House of Traditional Leaders and in which traditional leaders are disqualified from Ministerial appointments.*</p> <p>4. ANC and NP view traditional leaders' participation at national level as advisory: CONTRALESA envisages a more interventionist role.</p> <p>5. Two submissions specifically directed attention to the issue of monarchies in provinces other than KwaZulu/Natal. The gist of the submissions was that the status and powers of these monarchs, and their relationship to the provincial government, should be clarified. There was a suggestion in both submissions that where there is a "tribal" entity headed by a king within a province it should be recognised as a kingdom. The king should then become head of government: where there are several, they should head the government in rotation.</p>

CONST. PRINC; SECT	CONSTITUTIONAL ISSUES	AGREEMENT	CONTENTION	COMMENT
CP XIII, XVII, Sec182	5. Traditional leaders and Local Government	<ol style="list-style-type: none"> 1. Traditional leaders must be part of local government; 2. The provision of services should only be undertaken by popularly elected and accountable structures; 3. Where a traditional leader is elected to any structure as a political operative, he/she must relinquish the traditional position. 		<ol style="list-style-type: none"> 1. Eight individual (and group) submissions believed that the role of traditional leaders should be restricted to local level (i.e - no National or Provincial role). 2. Issues of contention are not constitutional ones: they relate to details of traditional leaders participation in local government, such as whether relinquishing the traditional post upon election should be permanent or temporary: CONTRALESA favours re-instatement by the community if it so wishes, upon completion of the term of office. 3. These issues revolve around: procedures for appointment (ex officio vs election); role as service-providers; boundaries. 4. Three individual submissions favoured a purely ceremonial role for traditional leaders at local level. 5. A number of submissions expressed concern about the need to clarify the position with regard to the statutory Tribal Authorities and their role, if any, in the new local government arrangements.

CONST. PRINC; SECT	CONSTITUTIONAL ISSUES	AGREEMENT	CONTENTION	COMMENT
CP XI,XIII ss182, 183	6. Traditional leaders and Indigenous Law and Practices	1. Traditional leaders and indigenous law go together as a cultural 'package': one strengthens the other*		<p>1. Though not necessarily amounting to contention, many divergent views were expressed on this topic. They ranged from organisations and individuals who saw traditional leaders and indigenous law as "good for discipline / unity / respect" and those who criticised the patriarchal nature of these institutions or individual customs such as circumcision and other initiation rituals.*</p> <p>2. Matters relating to customary law courts are dealt with by TC5</p>
CP XIII; Chap 3	7. Traditional leaders and the Bill of Rights	1. Traditional leaders and indigenous law are subject to the Bill of Rights*		<p>1. Many of the opinions expressed in the submissions revolved around the Equality clause and the concern that traditional leaders operated systems that oppressed women. Hereditary succession and the exclusion of women from chieftaincy was another recurring concern.</p> <p>2. There was also a fair sampling of views suggesting that it is rigidified, 'distorted' custom which poses a problem for the Bill of Rights: pure custom is dynamic and adapts to change.</p>

* See full text of Report for IFP position

C. REPORT ON SUBMISSIONS**1. Introduction**

This part of the report should be read together with the tabular analysis reproduced above. It deals with Traditional Authorities under the following headings, which were identified on the basis of submissions received by the Theme Committee:

- 1.1 Recognition of the Institution, Status and Role of Traditional Leadership and Indigenous Law
- 1.2 Role and Function of Traditional Leaders generally
- 1.3 Accommodating Traditional Leaders at National Level
- 1.4 Accommodating Traditional Leaders at Provincial Level
- 1.5 Traditional Leaders and Local Government
- 1.6 Traditional Leaders and Indigenous Law and Practices
- 1.7 Traditional Leaders and the Bill of Rights

2. Constitutional Principles

The Following Constitutional Principles have a direct bearing on the issues discussed in this Report : XI (protection of cultural diversity and language); XIII (recognition of traditional leaders and indigenous law); XVII (democratic representation at each level of government); XXXIV (self-determination by communities sharing a common cultural and language heritage)

3. Submissions received on Traditional Authorities**3.1 Recognition of the Institution, Status and Role of Traditional Leadership and of Indigenous Law**

There was general consensus across the board that the Constitution should contain some language explicitly recognising the institution of traditional leadership and Indigenous Law. There were no major disagreements also about the current wording of Constitutional Principle XIII, except for the feeling that "status and role" are matters of detail to be dealt with in a separate enactment. Even this exception was muted: Constitutional Principle XIII is widely regarded as an adequate formulation and a proper basis for the recognition of traditional leaders in the New Constitution.

Out of a hundred private submissions (i.e those that do not come

from parliamentary political parties), twenty one stood squarely against any formal recognition of traditional leadership. One individual contended that such recognition was racist given the fact that white people did not have chiefs. A fair number of individuals criticized the expense involved.

The recognition of customary law within the constraints of the Constitution raised no controversies. [There is language in both the IFP General Submissions and in CONTRALESA's Supplementary Submissions which suggests that, in its own sphere, indigenous law should be assessed on its own terms and not be subjected to any other law].

There were two organisations which proposed a radically different structure for the governance of the country. The Free Africa Foundation of Washington DC submitted an "indigenous African constitution" which proposed a Monarchy based on a "bill of native rights". Proposing a "Constitution for the United Kingdom of South Africa", the House of Royal submitted details of a hierarchy composed of levels ranging from the lowest (the House of Delegates) to the House of Majesty.

3.2 Role and Functions of Traditional Leaders Generally

While there was agreement that the status, role and function of traditional leaders were matters of detail and could await legislation, there was disagreement on the question whether or not Constitutional Principle XIII required the restriction of traditional leaders to their customary law roles. CONTRALESA, for instance, believes that in the nature of things, the new dispensation will demand new inputs from traditional leaders if their participation is being taken seriously. The CPG favours no new grants of competency to traditional leaders in the Constitution but accepts that legislation based on section 182 of the Interim Constitution could confer new powers.

3.3 Accommodating Traditional Leaders at National Level

The submissions revealed widespread support for the principle. (The Democratic Party's silence on the issue is simply the result of their submissions having been limited to the question of traditional courts, dealt with by TC5). Alternative approaches to the issue of giving effect to the principle included : adding a House of Traditional Leaders in a tricameral parliament; accommodating traditional leaders in an expanded Senate; or an expanded National Assembly.

The same unanimity on the principle of accommodation was reflected in the endorsement of the notion of the Council of Traditional Leaders (even by those parties who supported additional alternatives).

[One should bear in mind the submission mentioned above, that South

Africa be a monarchy].

3.4 Accommodating Traditional Leaders at Provincial Level

All parties shared the belief that perhaps the strongest role for traditional leaders will be at provincial level. The principle of the Houses of Traditional Leaders was generally supported, with the inevitable differences of opinion over whether their role should be advisory or more "legislative".

In KwaZulu-Natal a specific controversy revolves around the call by the Royal Council of the Zulu King that section 160(3) (b) of the Interim Constitution as amended, (providing for determination of the status and role of the Zulu King) should be complied with. This is based on the philosophy that matters of traditional leadership cannot be finally determined until the authority and status of the monarchs (around the country) have been settled, since there exists a necessary link between the two. This is in direct contrast to the *de jure* situation in the Province, where the House of Traditional Leaders asserts a right to jurisdiction over monarchical affairs.

3.5 Traditional Leaders and Local Government

There were many varied views expressed under this heading, but they were mostly about matters of detail. Of constitutional significance is the agreement over the need to incorporate the institution of traditional leadership into local government. Needless to say there is no unanimity as to how this might be achieved.

Agreement can also be detected on the issues of limiting the service-provision role to elected officials; acknowledging the right of traditional leaders to stand for election; and insisting that when they are elected they should take their seats as ordinary citizens. The CPG submits that where traditional leaders enjoy *ex officio* status on elected structures, the arrangement should be subject to periodic review. ANC proposals supporting the participation of traditional leaders in local government stress democracy and accountability. The NP supports a strong representation of traditional leaders at local government level. The FF proposes the undertaking of in-depth research by the technical advisers with a view to producing a report on the complexities of accommodating traditional leaders to form the basis on which parties could formulate or update their own proposals.

3.6 Traditional Leaders and Indigenous Law and Practices

There is no controversy over the link between the institution of traditional leadership and indigenous law: it is accepted that the institution finds its legitimacy in that system of law; in turn, indigenous law thrives under traditional systems of governance. CONTRALESA, ANC and NP are in agreement in this regard. So are

the submissions of Dikwankwetla Party of South Africa and Manala Tribal Authority; the latter asserts that the traditional leadership/indigenous law "package" has been largely responsible for the relative stability of Botswana, Lesotho and Swaziland after independence, as opposed to Mozambique, Angola and Uganda where those systems broke down.

Most of the individual submissions in favour of recognition of traditional leadership mentioned in 3.1 gave "cultural legitimacy" as the reason for their position. Criticism of the package ranged over a wide territory, as set out in the table.

[IFP submissions stress the centrality of communal land to the well-being of both traditional leadership and customary law. For this reason they propose a provision entrenching communal land-holding, as well as traditional leadership and indigenous law. They seek to provide also for the voluntary subjection of members of communities to customary law].

3.7 Traditional Leaders and the Bill of Rights

Always a controversial subject, the question of traditional leadership under a Bill of Fundamental Rights was the focus of a wide variety of views. Agreement appeared to be only over the principle that traditional leadership, like indigenous law, should be under the superintendence of the Constitution and the Bill of Rights, in accordance with Constitutional Principles XIII.

The Parties did not address the meaning of "subject to the Bill of Rights" directly : there appeared to be a general assumption that there was enough language in the Interim Constitution to establish the subjection of the institution to the Bill of Rights. Problem areas might well lie in the view expressed, for instance, by the Zulu King's Council (and heard frequently at the Public Hearing on Traditional Leaders) that the Bill of Rights in its pure western form may not be suitable for the South African reality and that it may have to 'absorb' certain positive aspects of the traditional way of life.

Comments on the negative aspects of traditional leadership in a human rights context revolved around women, equality and hereditary succession.

CONCLUSION

The volume of submissions received indicates the interest which the general public has in issues of traditional leadership and indigenous law. Predictably, many of the views expressed (being concerned with detail or real life experience) were not capable of formulation in constitutional terms. Nevertheless, for purposes of completeness it may be instructive to list the national concerns underlying some of the examples and opinions offered. Recurring themes included: the nomenclature

to be adopted in respect of traditional leaders (the NP and some Provincial organisations, for instance, feel strongly that indigenous names should be used); the linking of cultural values to religious values (for instance, in the many suggestions that these values should be taught in schools); the question of checks and balances against abuse of power by traditional leaders (apparently animated by a suspicion in some quarters that, left unsupervised, traditional leaders can be autocratic).

Submissions from individuals and organisations in KwaZulu- Natal showed a significant percentage of preoccupation with the position of the Zulu King. Proposals ranged from conferring powers on the King to advise the State President on cultural matters, to granting him a role in demarcating 'tribal' boundaries. The issue of remuneration also surfaced: while three individuals proposed that the King should control salaries of traditional leaders, four favoured placing him on the Central Government payroll. The view that both Kings and other traditional leaders should be above party politics was widespread among those who did make submissions on the issue.

APPENDIX 1

SUBMISSIONS RECEIVED FROM INDIVIDUALS
(in alphabetical order)

NAME	S/NO.	NAME	S/NO.
1. Abiot L	438	28. Govind GK	3
2. Anonymous	133	29. Griggs R	4
3. Anonymous	212	30. HlongwaneJK	301
4. Anonymous	224	31. Hloyi M	5
5. Anonymous	357	32. Hoffenberg A	359
6. Anonymous	439	33. Holderness VF	229
7. Anonymous	440	34. Holliday CI	216
8. Anonymous	(misc)	35. Hutchinson CH	230
9. Bethuel SGD	134	36. Jamjam F	442
10. Bhoola AI	213	37. Jivananda S	360
11. Bill PLA et al.	225	38. Kearney J	231
12. Biyela I M	1	39. Kgoale SM	6
13. Borchers V	358	40. Khumalo SW	232
14. Burke L	296	41. Koyana DS	PPP
15. Buthelezi TR	297	42. Lavenpos A	233
16. Chonco AM	226	43. Longden-T'good	234
17. Christopher F	227	44. Lowther PM	217
18. Chowdree R	PPP	45. Lubisi PM	235
19. Clerkin E	135	46. Lugalo T	12
20. Coates D	298	47. Lunn DL	236
21. Coetzee E	299	48. Mabitle MD	361
22. Coetzee J&P	441	49. Mahlehla WT	362
23. Dawling P	359	50. Maki D	363
24. Delarey R	2	51. Maliza MH	218
25. Dludla BK	215	52. Maphosa J	444
26. Gaetsewe J	228	53. Masemola L	7
27. Glendining DW	300	54. Mashane J	446
55. Mathivha MER	364	80. Nyembe W	142

NAME	S/NO.	NAME	S/NO.
56. Matjie & Mutsou C	445	81. Phathu M	370
57. Mc Intyre CL	303	82. Rapportryers S	371
58. McLoughlin MA	219	83. Reid WH	239
59. Miya B	365	84. Robertson J	372
60. Miya E	8	85. Sondzaba Res.	143
61. Mkhize C	223	86. Spero CA	13
62. Mlangeni ME	367	87. Spiegel AD	240
63. Mncibi M	448	88. Swemmer CA	144
64. Mofokeng PR	136	89. Sykes RW	145
65. Mokoena TG	368	90. Tsotetsi PL	305
66. Molete TA	449	91. Van den Heever DJA	373
67. Monareng A	137	92. Venson P	PPP
68. Motimane J	304	93. Vilakazi ET	146
69. Mthokwa JM	237	94. Viljoen FJZ	308
70. Naicker UA	9	95. Vogt B	375
71. Nala MO	138	96. van Niekerk HCD	306
72. Nare TP	369	97. Vroom GJ	307
73. Ndaki F	PPP	98. Williams PR	309
74. Ninow G	10	99. Yeadon ND	220
75. Noord Transvaler	11	100. Zungu S & Vilakazi H	310
76. Ntshangase M	238		
77. Ntsele B	139		
78. Ntuli MM	140		
79. Ntuli PM	141		

APPENDIX 2**Submissions received from Organisations
(in alphabetical order)**

- **Afrikanerbond**
- **Commission on Provincial Government**
- **Congress of Traditional Leaders of South Africa**
- **Dikwankwetha Party of South Africa**
- **Five Freedoms Forum**
- **Free Africa Foundation**
- **Free State Municipal Association**
- **Gender Research Project (Centre for Applied Legal Studies)**
- **House of Royal**
- **KwaZulu/Natal House of Traditional Leaders**
- **Manala Traditional Authority**
- **National Coalition of Women**
- **Provinces :**
 - Eastern Cape
 - Free State
 - Northern Transvaal
 - North West
- **Redemption Centre**
- **Rural Women's Movement**
- **South African National Civic Organisation**
- **Women's Group (Transkei)**
- **Zulu King's Royal Council**