

## **DRAFT RESOLUTION**

### **ROLE OF TRADITIONAL LEADERS AT ALL LEVELS OF GOVERNMENT**

**THE NEGOTIATING COUNCIL HEREBY RESOLVES AS FOLLOWS:-**

**1. General**

All matters pertaining to indigenous / customary law shall be regulated by statute.

**2. At Local level**

- 1.1 Traditional authorities shall continue to exist and exercise their functions in terms of indigenous law, as prescribe and regulated by enabling legislation.
- 1.2 There shall be an elected local government which shall take political responsibility for the provision of services in its area of jurisdiction.
- 1.3 The (hereditary) traditional leaders within the area of jurisdiction of a local authority shall be ex-officio members of the local government.
- 1.4 The chairperson of any local government shall be elected from amongst all the members of the local government, including its ex-officio members.

**2. At Regional Level**

- 2.1 There shall be a House of Traditional Leaders in provinces with existing traditional authorities, composed of traditional leaders and elected by an elected Electoral College of that Province which shall meet when necessary, for the pruposes set out in the paragraphs hereafter.
- 2.2 The basic role of the House shall be advisory in relation to tradition and custom.
- 2.3 All legislation pertaining to traditional leadership; traditional authorities; indigenous law and custom, including any other matter having a bearing thereon, shall in a particular province, be referred to the House in that Province for its consideration and comment. In its comment the House shall also indicate whether it supports such legislation or not. Such comment shall not be withheld for a period longer than 30 days.

- 2.4 The comments of the House, if any, shall be submitted to the Provincial legislature for it to consider whether to proceed with such legislation or not.
- 2.5 Should the House in its comment express opposition to the legislation, such legislation if passed by the Provincial legislature shall be delayed for thirty days before final approval by the Provincial Legislature.
- 2.6 Appropriate procedures shall be framed by the Provincial legislature to facilitate the above provisions.

### **3. At National Level**

- 3.1 There shall be a House of Traditional Leaders, composed of traditional leaders and elected by an electoral college composed of the various Houses of Traditional Leaders at Provincial level, which shall meet when necessary, for the purposes set out in the paragraphs hereafter.
- 3.2 The basic role of the House shall be advisory in relation to tradition and custom.
- 3.3 Legislation and constitutional amendments pertaining to traditional leadership, traditional authorities, indigenous law and custom, shall be referred to the House for its consideration and comment. In its comment the House shall also indicate whether it supports such legislation or not. Such comment shall not be withheld for a period longer than 30 days.
- 3.4 Passage of legislation through the National Assembly and Senate shall not be delayed whilst proposed legislation is referred to the House as set out above. To ensure that undue delay is avoided, proposed legislation shall be referred to the House simultaneously with its submission to the Senate.
- 3.5 The comments of the House, if any, shall be submitted to the National Assembly for it to consider whether to proceed with such legislation or not.
- 3.6 Should the House in its comment express opposition to the legislation, such legislation if passed by the National Assembly shall be delayed for thirty days before final approval by the National Assembly.
- 3.7 Appropriate procedures shall be framed by the National Assembly to facilitate the above provisions.