

14 August 2026

Ms. S. Cassiem
Committee Secretary
Portfolio Committee on Cooperative Governance and Traditional Affairs
Parliament Street
CAPE TOWN
8000

By email: tklb@parliament.gov.za

Dear Ms. Cassiem

**AFRIFORUM'S WRITTEN COMMENTS ON THE TRADITIONAL AND KHOI-SAN
LEADERSHIP BILL, B11-2026**

I hope that this letter finds you well.

Please find attached an updated version of AfriForum's written comments on the Traditional and Khoi-San Leadership Bill, B11-2026.

It is my intention to, on behalf of AfriForum, appear before the portfolio committee to give an oral presentation on AfriForum's submission. I would appreciate it if the committee could provide me with this opportunity at such time when the committee will receive oral submissions in this regard.

Your attention in this regard is greatly appreciated.

Yours respectfully

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Written comments on the Traditional and Khoi-San Leadership Bill, B11-2026

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Key:

Red strikethrough text indicates deleted words: ~~example~~

Bold green text indicates added words: **example**

Written comments:

Clause	Proposal	Motivation
Title	Traditional and Khoi-San Royal Leadership Bill or Traditional and Khoi-San Customary Leadership Bill	The leadership of both Traditional and Khoi-San cultural communities is royal and customary, either of these titles are therefore more suitable.
Preamble, first paragraph	Add an additional bullet point: To protect, develop and ensure the continued existence of traditional and Khoi-San communities	Surely the State also seeks to protect and develop and ensure the continued existence of traditional communities as well. It is also important to mention the positive drivers for the proposed legislation.

Preamble, second paragraph	AND WHEREAS the South African people consist of a diversity of traditional, and Khoi-San and other cultural and religious communities;	There are also other cultural and religious communities that do not view themselves as either traditional or Khoi-San communities that are also part of the South African people. These communities cannot be excluded as is currently done.
Preamble, fourth paragraph, third bullet point	- the institution of traditional and Khoi-San leadership must be transformed reformed and developed to be in harmony with the Constitution and the Bill of Rights so that— - democratic governance and the values of an open and democratic society may be promoted; and - gender equality within the institution of traditional and Khoi-San leadership may progressively be advanced; and freedom of religion, belief, opinion and association, the use and development of indigenous languages and participation in and development of the cultural life as well as enjoyment of the culture of traditional and Khoi-San communities be strengthened; and	The current wording reads like an attack on customary law and custom; ‘reformed and developed’ is a better reflection of an acceptable approach. Principles contained in the Bill of Rights that are important to traditional and Khoi-San communities and their leaders must also be reflected in the preamble. Bill of Rights sections 15, 18, 30 and 31.

Preamble, fourth paragraph, fourth bullet point	● the institution of traditional and Khoi-San leadership must— — promote freedom, human dignity and the achievement of equality and non-sexism;— derive its mandate and primary authority from applicable customary law and practices; — strive to enhance tradition and culture; — promote nation building and harmony and peace amongst people and communities; — promote the principles of cooperative governance in its interaction with all spheres of government and organs of state; and — promote an efficient, effective and fair dispute-resolution system, and a fair system of administration of justice, for traditional and Khoi-San communities as envisaged in applicable legislation; — promote the continued existence of traditional and Khoi-San communities; — promote and protect the morals and traditional values recognised by communities; — promote the economic, social and cultural development of communities with due regard to their freedom and identity,	Matters that are important to traditional and Khoi-San communities and their leaders must also be reflected in the preamble. African Charter on Human and Peoples’ Rights Article 20(1). African Charter on Human and Peoples’ Rights Article 17(3). African Charter on Human and Peoples’ Rights Article 22(1).
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1.(1)	“customary law” means the living customary law comprised of established norms, structures, processes, rules, traditions, practices, and dispute resolution mechanisms that have evolved organically and historically within a specific traditional and Khoi-San community over time, and which are accepted and observed by its members as binding and authoritative in the regulation of their external affairs and relations with other cultural communities and their internal affairs, including the selection, roles, responsibilities, accountability and succession of their respective leaders;	It is very important to emphasise living customary law, as supported by judgements of the Constitutional Court. Customary law did not only evolve organically, but also historically. Customary law also regulates external affairs. Accountability is a key component of living customary law.
1.(1)	“regent” means any person who, in terms of section 12, holds a traditional or Khoi-San leadership position in a temporary capacity until the identified or elected leader to such position, who is a minor has not yet come of age, becomes a major of age as contemplated in section 17 of the Children’s Act, 2005 (Act No. 38 of 2005) and is recognised in terms of this Act;	It is not age that determines the timing of succession, but the readiness of the leader to do so according the wisdom and experience of the royal family. To use ‘come of age’ is in harmony with customary practices.
1.(1)	“royal family” means a historical customary institution or structure consisting of immediate relatives of the ruling family within a traditional or Khoi-San community, which has been identified in terms of customary law and customs, and includes, where applicable, other members of the royal family who are close relatives of the ruling family;	In some communities, there are persons that, according to customary law and custom, are part of the royal family who are not immediate or close relatives of the ruling family. This change is therefore essential to accommodate the diverse nature of the institution of traditional leadership.
1.(1)	Add an additional definition: “ruling family” means a historical customary institution or structure consisting of immediate relatives of the ruling or recently deceased traditional or Khoi-San leader within a traditional or Khoi-San community, which has been identified in terms of customary law and customs;	No definition is provided for ‘ruling family’.

2.(1)(a)	A kingship or queenship, Khoi-San kingship or Khoi-San queenship, principal traditional community, traditional community, headmanship, headwomanship and Khoi-San community must transform and adapt reform and develop customary law and customs relevant to the application of this Act, so as to comply with the relevant principles contained in the Bill of Rights in the Constitution, and other applicable law, whilst remaining true to their culture and tradition , in particular by—	The current wording reads like an attack on customary law and custom; ‘reform and develop’ is a better reflection of an acceptable approach. It is essential to ensure that actions taken are true to culture and tradition, if not it could result in the destruction of communities.
2.(1)(a)(iv)	promoting resolution of succession disputes by keeping, in writing, a record of genealogy which includes a ruling family tree , succession decision-making processes and practices practice , structures and clear historical historically based living and customary law of succession in respect of leadership positions that require recognition by government; and	Processes followed are key in succession and must be included. More than one practice is involved during succession. Historically based living customary law is applicable, not simply historical (outdated) customary law.
2.(1)(a)(v)	Add an additional clause: (v) Promoting freedom of religion, belief, opinion and association, the use and development of indigenous languages and participation in and development of the cultural life as well as enjoyment of the culture of traditional communities and the strengthening and development of institutions and cultural infrastructure to achieve these goals.	Principles contained in the Bill of Rights that are important to traditional communities and their leaders must also be reflected. Bill of Rights sections 15, 18, 30 and 31.
2.(1)(a) (vi)	Add an additional clause: (vi) Ensuring access to information relating to traditional communities and traditional leadership and the administration thereof, specifically the records and reports of investigative committees and commissions.	Principles contained in the Bill of Rights that speak to the responsibilities of government as far as it impacts on traditional communities and leaders must also be reflected. Bill of Rights sections 32.

2.(1)(a)(vii)	Add an additional clause: (vii) Ensuring just administrative action that is lawful, reasonable and procedurally fair specifically in relation to succession of traditional leaders and the prevention of unjust, unreasonable and unfair actions and interference by government officials.	Principles contained in the Bill of Rights that speak to the responsibilities of government as far as it impacts on traditional communities and leaders must also be reflected. Bill of Rights sections 33.
2.(1)(c)	Add an additional subsection: (c) A kingship or queenship, Khoi-San kingship or Khoi-San queenship, principal traditional community, traditional community, headmanship, headwomenship and Khoi-San community, supported by government, must promote the realisation of peoples' rights in compliance to the principles contained in the African Charter on Human and Peoples' Rights, in particular by– (i) Promoting and protecting of morals and traditional values recognised by the community. (ii) Protecting and strengthening of the family as the natural unit and basis of society and the custodian of morals and traditional values. (iii) Promoting mutual respect between cultural communities. (iv) Promoting the self-determination of cultural communities and enabling them to pursue their economic, social and cultural development with due regard to their freedom and identity, according to the policy they freely choose. (v) Protecting and strengthening the property rights of communities and enabling them to freely dispose of their wealth and natural resources in their own interest. (vi) Promoting peace, security and an environment favourable to the development of communities.	This bill aims at the governance of distinct cultural communities or groups that recognise themselves and each other as such and have a proven history of existence as a cultural community. It is therefore imperative that guiding principles that relate to the rights of groups must also be taken into account in the application of the proposed legislation. One of the best legal instruments available to the peoples of Africa in this regard is the African Charter on Human and Peoples' Rights (ACHPR). This proposed subsection draws on the following articles of the ACHPR: (i): ACHPR Article 17(3). (ii): ACHPR Article 18(1) and 18(2). (iii): ACHPR Article 19. (iv): ACHPR Article 20(1) and Article 22(1). (v): ACHPR Article 14 and Article 21(1). (vi): ACHPR Article 23(1) and Article 24.

3.(1)(d)	(d) recognise as their king or queen, a specific recognised traditional leader recognised by them , who, in terms of custom and customary law, is regarded to be of a higher status than other traditional leaders, in terms of the custom and customary law of the community concerned;	Recognition by the community itself is the fundamental recognition that is required. This modification also allows for a traditional leader that is not (yet) recognised by government but is recognised by the community to be considered.
3.(3)(d)	(d) In the event that the investigation and consultation by the Minister confirm that a kingship of queenship exists, the The President may must , upon receipt of a the report contemplated in paragraph (c), by notice in the Gazette, recognise the traditional communities contemplated in subsection (1) as kingship or queenship, as the case may be, within 60 days of receipt of the report.	If investigation and consultation confirm the existence of a kingship or queenship, there is no reason for it not to be recognised and the President must then be compelled by the act to recognise it, within a specific time frame.
3.(4)(f)	(f) where applicable, has a number of headmanship headmenships or headwomanship headwomenships .	Spelling error, must be plural.
3.(6)	(6) The Premier may must , after consultation with the provincial house, and by notice in the provincial Gazette, recognise, within 60 days thereafter , the community referred to in subsection (4) as a traditional community if the criteria of 3.(4)(a)-(f) is met.	If the conditions of 3.(4)(a)-(f) are met, there is no reason for the recognition not to be granted and the relevant office bearer must then be compelled by the act to grant the recognition within a specific time frame.
3.(9)	(9) Notwithstanding subsection (8), t The Premier may must , after consultation with the traditional council referred to in that subsection, within 60 days thereafter , and by notice in the provincial Gazette, recognise the headmanship or headwomanship contemplated in subsection (7) if the criteria of 3.(7)(a)-(c) is met and the traditional council agrees to such a step.	If the conditions of 3.(7)(a)-(c) are met, and the traditional council agrees with such a step, there is no reason for the recognition not to be granted and the relevant office bearer must then be compelled by the act to grant the recognition within a specific time frame. The Premier should not take a decision with which the traditional council does not agree.

3.	Add a new subsection: (12) Recognising that the previous dispensation resulted in some traditional communities and traditional leaders, with historically recognised higher or similar status, being granted recognition at a lower status than other traditional communities and traditional leaders, even within the same province, and affirming that the continuance of this injustice and discrimination is untenable and in contradiction with the principles of the Constitution, a single traditional community can apply for recognition as a kingship, queenship or principal traditional leadership if: (a) the community has a proven history of existence as an independent state or polity and was so recognised by other states or polities in history; (b) the traditional leader of such a community is currently recognised as a senior traditional leader whilst his or her royal ancestors were recognised and treated with a status higher than, or similar to, the royal ancestors of other traditional leaders of other traditional communities that are currently recognised as kings, queens or principal traditional leaders; (c) the area of jurisdiction of such a senior traditional leadership is larger than, or similar in size to, the areas of jurisdiction of other traditional communities, also in the same province, currently enjoying recognition as a kingship, queenship or principal traditional leadership; and (d) any and all such other clauses required that will enable the process of recognition as proposed above.	The reality is that some traditional communities and traditional leaders are currently not recognised with a status that corresponds to history, custom and the current recognition realities, due to the impact of the previous dispensation. It is essential that the act provides senior traditional leaderships that are facing this continued injustice and discrimination with a legal avenue for corrective steps to be taken. Additional clauses will be required to ensure the implementability of this proposed subsection as indicated.
4.(1)	(1) A traditional community, through their traditional council, may apply—	It must be clear exactly whom should apply.

4.(2)(a)	(2)(a) An application contemplated in subsection (1)(a) must be made by written submission to the Minister by the traditional council community falling under the jurisdiction of the kingship or queenship concerned.	It must be clear exactly whom should apply.
4.(7)(b)	(b) The Premier may, in writing, direct the MEC to conduct the consultations referred to in paragraph (a)(ii) and determine a period within which such consultations must be finalised within six months from the date of receipt of the written instruction.	A time frame must be set.
4.(8)(a)	(a) A traditional community, through their traditional council , may apply to the Premier to withdraw its recognition as a traditional community.	It must be clear exactly whom should apply.
4.(11)(b)	(b) in the case of an application contemplated in subsection (9)(a), the provincial house, any community that may be affected, and the affected royal family and traditional community contemplated in subsection (9)(b).	The affected royal family must also be consulted.
4.(16)(a)	Remove complete clause: (a) The President or Premier, as the case may be, must withdraw the recognition of a kingship or queenship, principal traditional community, traditional community or headmanship or headwomanship if ordered to do so by a court.	The whole paragraph must be deleted, because any functionary is compelled to comply with a court order if the order is not taken on appeal.
4.(16)(b)	(b) (a) The President, in the case of a kingship or queenship, and the Premier, in the case of a principal traditional community, traditional community or headmanship or headwomanship, must give notice in the Gazette or provincial Gazette, as the case may be, of any withdrawal of recognition following the a court order ordering the President or Premier, as the case may be, to withdraw the recognition of a kingship or queenship, principal traditional community, traditional community or headmanship or headwomanship.	Fulfilling the original intention whilst avoiding stating the obvious.

5.(1)(e)	(e) recognise as their Khoi-San king or Khoi-San queen, a specific recognised senior Khoi-San leader, recognised by them , who, in terms of custom and customary law, is regarded to be of a higher status than other Khoi-San leaders;	Recognition by the community itself is the fundamental recognition that is required. This modification also allows for a Khoi-San leader that is not (yet) recognised by government but is recognised by the community to be considered.
5.(2)(c)	the respective communities' written customary, processes, structures, practices, customs and living customary law of succession and relevant genealogies for purposes of recognition and withdrawal of leadership positions. No person shall have the right to demand the sacred aspects of succession to be documented.	Customary processes, structures partaking in process, practices and customs need to be considered a long with living customary law of succession. Succession relies more on processes and structures, than on fixed 'laws'. This transfer of an approach of 'fixed laws', is foreign to customary law and custom and is problematic when implemented. Living customary law that is continuously adapting, is key. It is about considering substance, not form. Sacred aspects should be protected.
5.(3)(d)	(d) In the event that the investigation and consultation by the Minister confirm that a Khoi-San kingship of Khoi-San queenship exists, the The President may must , upon receipt of a report contemplated in paragraph (c), by notice in the Gazette, recognise the Khoi-San communities contemplated in subsection (1) as a Khoi-San kingship or Khoi-San queenship, as the case may be, within 60 days of receipt of the report.	If investigation and consultation confirm the existence of a Khoi-San kingship or queenship, there is no reason for it not to be recognised and the President must then be compelled by the act to recognise it, within a specific time frame.
5.(4)(a)(vi)	(vi) occupies a specific geographical area or various geographical areas together with other non-community members or not, as might be the case.	Change required to allow for another scenario as well.
5.(4)(b)(ii)	(ii) a list of all community members which must in respect of each community member contain the following information:	It is practically impossible to compile a list of all or 100% of community members. This is furthermore an unreasonable requirement, especially in the light of this not being a requirement for other communities.

5.(4)(b)(ii)(bb)	(bb) identification number and a certified copy of his or her valid identification document or passport, or in the case of a community member who is younger than 16 years, a certified copy of his or her birth certificate;	The requirement to supply a certified copy of an identification document or a birth certificate is an unreasonable requirement, especially in the light of this not being a requirement for other communities. Minors must be excluded from the process in order to correspond to other sections of the act.
5.(4)(b)(ii)(cc)	(cc) physical address confirmed by documentary evidence, including the name of the province where such physical address is located;	The requirement to supply documentary evidence of a physical address is an unreasonable requirement, especially in the light of this not being a requirement for other communities.
5.(4)(b)(ii)(dd)	Remove complete clause: (dd) contact details;	The requirement to supply contact details is an unreasonable requirement, especially in the light of this not being a requirement for other communities. It is also very possibly a privacy infringement.
5.(4)(b)(ii)(ff)	Remove complete clause: (ff) any other information as may be requested by the Commission or as may be prescribed by the Minister.	This clause is too broad and can easily be abused.
5.(6)	(6) In the event that the conditions of 5.(4)(a)(i)-(vi) is met the Premier may must , after consultation with the provincial house, by notice in the relevant provincial Gazette, recognise the community contemplated in subsection (4) as a Khoi-San community , within 60 days after the conclusion of the consultation.	If the conditions of 5.(4)(a)(i)-(vi) are met, there is no reason for the recognition not to be granted and the relevant office bearer must then be compelled by the act to grant the recognition within a specified time frame.
5.(8)(c)	(c) The Premier of the province where the branch is situated may must recognise a branch that meets the criteria set out in subsection (7)(b), within 60 days after the finalisation of the investigation.	If the criteria of 5.(7)(d) are met, there is no reason for the recognition not to be granted and the relevant office bearer must then be compelled by the act to grant the recognition within a specified time frame.
6.(3)	(3) The President may must , upon receipt of a report contemplated in subsection (2)(c), by notice in the Gazette, withdraw the recognition of a Khoi-San kingship or a Khoi-San queenship, as the case may be within 60 days of receipt of the report in the event that the report recommends withdrawal of recognition.	In the event that the report recommends withdrawal of recognition, there is no reason for the functionary not to do so within a specified time frame.

6.(5)(a)	(5)(a) Before the withdrawal of a recognition, the Premier concerned must consult the relevant provincial house, any community that may be affected, the affected royal family , the senior Khoi-San leaders and branch heads who form part of the Khoi-San community.	The affected royal family must also be consulted.
6.(5)(b)	(b) The Premier may, in writing, direct the MEC to conduct the consultations referred to in paragraph (a) and determine a period within which such consultations must be finalised within six months from the date of receipt of the written instruction.	A time frame must be set.
6.(6)	(6) The Premier concerned may must , after the consultations referred to in subsection (5), by notice in the provincial Gazette, withdraw the recognition of a Khoi-San community or a branch, within 60 days of the finalisation of the consultations if the conclusion is reached that withdrawal of recognition is just and lawful.	If it is concluded that withdrawal of recognition will be just and lawful, there is no reason for the recognition not to be withdrawn and the relevant office bearer must then be compelled by the act to withdraw the recognition within a specified time frame.
6.(9)(a)	Remove complete clause: (a) The Premier must withdraw the recognition of a Khoi-San community or branch if so ordered by a court.	The whole paragraph must be deleted, because any functionary is compelled to comply with a court order if the order is not taken on appeal.
6.(9)(b)	(b) (a) The Premier must give notice in the provincial Gazette of any withdrawal of recognition in accordance with a court order ordering the President or Premier, as the case may be, to withdraw the recognition of a Khoi-San community or branch contemplated in paragraph (a).	Fulfilling the original intention whilst avoiding stating the obvious.
7.(3)(e)	Add an additional clause: (iii) appointed leadership where, in terms of the customary law and customs of the community concerned, the leader is appointed.	The customary law and customs of some communities determine that traditional leaders are9. appointed by the principal / senior / traditional leaders.

7.(6)(b)(ii)	(ii) the recognition of a principal traditional leader, senior traditional leader, headman or headwoman, senior Khoi-San leader or branch head, at least one member of the investigative committee must be a member of the provincial house and at least one member must be a recognised historian.	The input of a recognised historian is essential.
7.(7)	(7) The President or the Premier, as the case may be, may , after having considered— (a) the application contemplated in subsection (4)(a) or (5)(a), as the case may be; and (b) where applicable, the report of the investigative committee, must, within 60 days of receiving the report of the committee , recognise the traditional or Khoi-San leader contemplated in subsection (4)(a) or (5)(a), as the case may be if the report so recommends. In the event that the President or Premier is of the opinion that the report of the investigate committee is flawed, the President or Premier must approach a competent court to have the report reviewed and set aside.	If an expert investigative committee concludes that a leadership position complies with the relevant subsection and recommends recognition, there is no reason for the relevant office bearer not to recognise the leadership position – unless the office bearer concludes that the report of the investigative committee is flawed. The report must then be subjected to adjudication by a competent court. The office bearer must be compelled to grant recognition within a reasonable timeframe, just as communities are compelled to take certain actions within a specified timeframe.
7.(9).(g)	Remove complete clause: (g) Despite paragraph (f)(i) and (ii), a person contemplated in paragraph (f) would continue to receive the salary and benefits associated with the positions he or she occupied until his or her death.	South African tax payers cannot pay for a person no longer contributing to society based on a position previously occupied.
7.(11)	(11) A person who is not recognised as contemplated in subsection (1) who holds himself or herself out as a recognised leader contemplated in subsection (1), is guilty of an offence and liable upon conviction to a fine or imprisonment not exceeding three years.	Improved clarity.

8.(1)(c)	(c) in the case of a king or queen, the President may must , within 90 days of receipt of the application and after consultation with the Premier, recognise as a king or queen a person so identified in terms of paragraph (a)(i), taking into account whether a kingship or queenship has been recognised in terms of section 3; and	If the relevant conditions are met, there is no reason for the recognition not to be granted and the relevant office bearer must then be compelled by the act to grant the recognition.
8.(1)(d)	(d) in the case of a principal traditional leader, the Premier may must , within 90 days of receipt of application and after consultation with the MEC, recognise as the successor to a principal traditional leader a person so identified in terms of paragraph (a)(i), taking into account whether a principal traditional community still exists.	If the relevant conditions are met, there is no reason for the recognition not to be granted and the relevant office bearer must then be compelled by the act to grant the recognition.
8.(2)(b)	(b) the traditional leader or community concerned must, if hereditary succession does not apply, within 90 days of the vacancy occurring, appoint , identify or elect a person who qualifies in terms of customary law and customs and this Act, to assume the position of senior traditional leader , headman or headwoman in question.	According to the customs, customary law and tradition of some communities, senior traditional leadership positions can also be non-hereditary and there should be provision for this cultural reality.
8.(3)	Add an additional clause: (iii) an appointed senior traditional leader referred to in subsection (2)(b), the traditional leader of the community concerned must apply to the Premier for the recognition of the person so appointed and provide the Premier with the particulars of such person.	According to the customs, customary law and tradition of some communities, senior traditional leadership positions can also be non-hereditary and there should be provision for this cultural reality.
8.(4)	(4) The Premier must, if satisfied that the person contemplated in subsection (2)(a) or (b), as the case may be, complies with the requirements of this Act, recognise that person as senior traditional leader, headman or headwoman, as the case may be, within 60 days of receiving the application for recognition.	The office bearer must be compelled to grant recognition within a reasonable timeframe, just as communities are compelled to take certain actions within a specified timeframe.

8.(5)(c)	(c) inform the National House and the relevant provincial house of the recognition of a king or queen and inform the National House and relevant provincial house of the recognition of a principal traditional leader, and inform the relevant provincial house of the recognition of a senior traditional leader, headman or headwoman.	It would be better if both national and provincial houses are informed of events that will impact them.
6.(b)	Add an additional clause: (iii) either the Minister or the Premier, it must include a recognised historian.	The input of a recognised historian is essential.
8.(7)	(7) The President or the relevant Premier, as the case may be, may must , within 60 days of the date of receipt and consideration of the report contemplated in subsection (6), recognise a person as king or queen, principal traditional leader, senior traditional leader, headman or headwoman, as the case may be if the committee so recommends. In the event that the President or Premier is of the opinion that the report of the investigate committee is flawed, the President or Premier must approach a competent court to have the report reviewed and set aside.	If an expert investigative committee concludes that identification or election was done in in terms of customary law and customs and recommends recognition, there is no reason for the relevant office bearer not to recognise the leadership position – unless the office bearer concludes that the report of the investigative committee is flawed. The report must then be subjected to adjudication by a competent court.
8.(8)(a)	(a) The Premier must, on an annual basis or when requested and in the format determined by the Minister, provide the Minister with a report on the recognition of a senior traditional leader leaders , headman headmen or headwoman headwomen .	Correction of spelling errors.
9.(1)(a)(iii)	Remove complete clause: (iii) no longer permanently resides within the area of the kingship or queenship council, principal traditional council or traditional council, as the case may be;	This clause must be removed, because it is unreasonable. Traditional leaders need to reside outside of their area of jurisdiction from time to time and recognition should not be withdrawn if they reside outside of the area for a period of time.

9.(1)	Add an additional clause: (c) so requested by the Royal Family on the condition that the Royal Family provides sound reasons for such a request.	The Royal Family, as the core customary institution of the community must also have the authority to request the removal of a leader and the office bearer must be compelled to comply with the request as long as sound reasons for the request are provided. The Royal Family carries the primary responsibility for the leadership of the community and must be provided the space to carry out this responsibility.
9.(2)	(2) Any person may, within 90 days of the date of becoming aware of any of the grounds referred to in subsection (1)(a)(i) to (v), apply to the President or the Premier for the withdrawal of the recognition of a traditional leader. The person making such an application is compelled to provide written proof of the ground upon which the application is made and must inform the royal family and the relevant kingship or queenship, Khoi-San kingship or queenship council or traditional or Khoi-San council of the application to the President or Premier as the case may be.	Written proof is essential to avoid frivolous applications or applications made in bad faith. It is only reasonable that the royal family and relevant council be informed of such an application.
9.(6)(a)	(a) A Premier must, on an annual basis or when requested in a format determined by the Minister, provide the Minister with a report on the withdrawal of recognition of a senior traditional leader leaders , headman headmen or headwoman headwomen .	Correction of spelling errors.
10.(1)(c)	The President may must , within 90 days of receipt of application and after consultation with the Minister, recognise as a Khoi-San king or Khoi-San queen, a person so identified in terms of paragraph (a)(i), taking into account whether a Khoi-San kingship or Khoi-San queenship has been recognised in terms of section 5.	If the relevant conditions are met, there is no reason for the recognition not to be granted and the relevant office bearer must then be compelled by the act to grant the recognition.
10.(6)	(6) The Premier concerned must, subject to subsections (7) and (8), where a senior Khoi-San leader or branch head has been identified or elected, within 60 days of receipt of application —	The office bearer must be compelled to grant recognition within a reasonable timeframe, just as communities are compelled to take certain actions within a specified timeframe.

10.(7)(a)	(a) Where a branch head who has been elected resides in a province other than the province where the relevant Khoi-San council is situated, the Premier of the province within which the branch is situated must, by notice in the relevant provincial Gazette and after consultation with the Premier of the province where the Khoi-San council is situated, recognise the branch head concerned, within 60 days after conclusion of the consultation.	The office bearer must be compelled to grant recognition within a reasonable timeframe, just as communities are compelled to take certain actions within a specified timeframe.
10.(9)	(9) The President or the relevant Premier, as the case may be, may must , within 60 days of receipt of the report of the investigative committee as well as the comments of the royal family or Khoi-San council—	If the relevant conditions are met, there is no reason for the recognition not to be granted and the relevant office bearer must then be compelled by the act to grant the recognition.
10.(9)(a)	(a) recognise a person as a Khoi-San king or Khoi-San queen, senior Khoi-San leader or a branch head if the investigative committee concluded that election or identification was done in accordance with applicable rules, procedures, customary law and customs as the case may be ; or	The relevant office bearer must either act based on the recommendation of the expert investigative committee or take it to court for adjudication if the office is of the opinion that the work and resulting report is flawed.
10.(9)(b)	(b) advise the Khoi-San council that the election of a Khoi-San king or Khoi-San queen, senior Khoi-San leader or branch head was not done in terms of customary law and customs or in accordance with the rules and procedures contemplated in subsection (4) and that a re-election must be held within the time determined by the Premier if the investigative committee so concluded and recommended.	The relevant office bearer must either act based on the recommendation of the expert investigative committee or take it to court for adjudication if the office bearer is of the opinion that the work and resulting report is flawed.
10.(9)	Add an additional clause: (c) In the event that the President or Premier is of the opinion that the report of the investigate committee is flawed, the President or Premier must approach a competent court to have the report reviewed and set aside.	The relevant office bearer must either act based on the recommendation of the expert investigative committee or take it to court for adjudication if the office bearer is of the opinion that the work and resulting report is flawed.

11.(1)(c)	Remove the clause: (c) must be withdrawn if so ordered by a court.	This clause is redundant, court orders must be complied with.
11.(1)	Add an additional clause: (d) must be withdrawn if so requested by the Royal Family on the condition that the Royal Family provides sound reasons for such a request.	The Royal Family, as the core customary institution of the community must also have the authority to request the removal of a leader and the office bearer must be compelled to comply with the request as long as sound reasons for the request are provided. The Royal Family carries the primary responsibility for the leadership of the community and must be provided the space to carry out this responsibility.
11.(6)(c)	(c) The President or Premier, as the case may be, may must within 60 days of receipt of the report of the investigative committee as well as the comments of the royal family or Khoi-San council, where applicable—	The relevant office bearer must either act based on the recommendation of the expert investigative committee or take it to court for adjudication if the office bearer is of the opinion that the work and resulting report is flawed.
12.(1)	12. (1) Where the hereditary successor to the position of a king, queen, Khoi-San king, Khoi-San queen, principal traditional leader, senior traditional leader, headman, headwoman or senior Khoi-San leader identified in terms of section 8 or 10, as the case may be, is regarded as a minor have not yet come of age —	It is not age that determines the timing of succession, but the readiness of the leader to do so according the wisdom and experience of the royal family. To use ‘come of age’ is in harmony with customary practices.
12.(1)(a)(i)	(i) identify a regent to assume leadership on behalf of the minor hereditary successor ,	
12.(1)(b)	(b) the Premier concerned must, with due regard to applicable customary law and customs and subject to subsections (2) and (3), recognise the regent identified by the royal family in respect of the position of a king, queen, Khoi-San king, Khoi-San queen, principal traditional leader, senior traditional leader, headman, headwoman or senior Khoi-San leader, within 30 days of being informed or the details of the person identified as regent:	The office bearer must be compelled to grant recognition within a reasonable timeframe, just as communities are compelled to take certain actions within a specified timeframe.

12.(2)	(2) Where the royal family fails to identify a regent as contemplated in subsection (1), the Premier must, after in consultation with the royal family and after taking into account whether any of the grounds contemplated in subsection (1)(a)(i) are applicable, identify a suitable person as regent on the condition that the royal family supports the identified person.	The Premier can only identify a regent in consultation with the Royal Family, as this means that the Royal Family is considered by the Premier in his decision. If the Premier is allowed to identify a regent after consultation with the Royal Family, it implies that the Premier simply needs to consult the Royal Family and can then identify a person without the approval of the Royal Family. It is crucial for the Royal Family to support the identified person to ensure unity and to prevent the possible undermining of the Royal Family.
12.(3)	(a) publish a notice in the relevant provincial Gazette which notice must— (i) indicate the full names of the minor stating that such minor is the rightful heir to the position: Provided that consent is provided by the parent or legal guardian; (ii) indicate that the minor recognised in subparagraph (i) will assume his or her position upon reaching the age of majority and the relevant date of attainment of majority; and (iii) recognise the person so identified as a regent in terms of subsection (1) for the period until the rightful heir reaches the age of majority; (b) issue a certificate of recognition to the identified regent; (c) issue an undertaking by the regent that he or she shall relinquish the position of a regent on the date on which the rightful heir as indicated in paragraph (a) when the hereditary successor come of age; and (d) inform the Minister and the relevant provincial house of the recognition of a regent, and identification of the minor as the rightful heir.	The processes relating to regency is key in the adaptability and flexibility of traditional and Khoi-San leadership succession. The requirement to identify the hereditary successor at the passing of a leader contravenes living customary law and customs as it developed historically. This rigidity and application of legal concepts that are foreign to customary law and customs should be removed. The identity of a hereditary successor must in many cases be kept secret for the safety of this person and the royal lineage, to make this information known is unheard of and can jeopardise the safety of the person. See: Traditional Leaders in a Democracy Resources, Respect and Resistance, Editors: Mbongiseni Buthelezi, Dineo Skosana & Beth Vale, Chapter 2, Mistaking form for substance Reflections on the key dynamics of pre-colonial polities and their implications for the role of chiefs in contemporary South Africa, by Peter Delius., Mapungubwe Institute for Strategic Studies, A Mistra Publication, 2019, P 24 See also: Chiefship in a South African Homeland: A Case Study of the Tshidi Chieftdom of Bophuthatswana by John L. Comaroff

12.(7)	(7) The Premier concerned may must , within 60 days of receipt of the report of the investigative committee as well as the comments of the royal family, recognise a person as a regent if the committee so recommends. In the event that the Premier is of the opinion that the report of the investigate committee is flawed, the Premier must approach a competent court to have the report reviewed and set aside.	If an expert investigative committee concludes that the identification was done in in terms of customary law and customs and recommends recognition, there is no reason for the relevant office bearer not to recognise the leadership position – unless the office bearer concludes that the report of the investigative committee is flawed. The report must then be subjected to adjudication by a competent court.
12.(8)	(8) As soon as the royal family resolves that the successor to the position of a king, queen, Khoi-San king, Khoi-San queen, principal traditional leader, senior traditional leader, headman, headwoman or senior Khoi-San leader, attains the age of majority has come of age and is ready to lead the community , the regent recognised in terms of subsection (1) automatically relinquishes his or her position as regent, as soon as the successor is recognised and the rightful successor—	The royal family decides, considering customs, customary law, tradition when the successor to the position has come of age and is ready to lead the community. The successor to the position does not automatically succeed when the successor ceases to be a minor.
12.(8)(a)	(a) in the case of a king or queen, Khoi-San king or Khoi-San queen, must be recognised by the President, within 60 days of being informed of the resolution of the royal family , after consultation with the Minister as contemplated in section 8(1)(b),	The office bearer must be compelled to grant recognition within a reasonable timeframe, just as communities are compelled to take certain actions within a specified timeframe.
12.(8)(b)	(b) in the case of a principal traditional leader, senior traditional leader, headman or headwoman, must be recognised by the Premier concerned, within 60 days of being informed of the resolution of the royal family , in terms of section 8(1)(c) or 8(2)(d),	The office bearer must be compelled to grant recognition within a reasonable timeframe, just as communities are compelled to take certain actions within a specified timeframe.
12.(8)(c)	(c) in the case of a senior Khoi-San leader, must be recognised by the Premier concerned, within 60 days of being informed of the resolution of the royal family , in terms of section 10(6)(b),	The office bearer must be compelled to grant recognition within a reasonable timeframe, just as communities are compelled to take certain actions within a specified timeframe.

12.(9)(b)	Remove the clause: (b) when the regent is supposed to relinquish his or her position as regent; and	The Premier cannot inform the President and the Minister when the regent is supposed to relinquish the position as that date is determined by the royal family and is not known ahead of time (see above).
12.(10)	(10) If the successor to the position of a king, queen, Khoi-San king, Khoi-San queen, principal traditional leader, senior traditional leader, headman, headwoman or senior Khoi-San leader dies when he or she has not yet come of age while still being a minor , the regent automatically and immediately relinquishes his or her position when the royal family identifies a new hereditary successor and a regent to assume leadership on behalf of the identified successor.	The community needs a leader at least up to the point when a new hereditary successor and regent is identified – a community should not be rendered leaderless immediately at the death of the successor as that will deal a double blow to the community and create a serious risk for instability and undue interference. The royal family is under no obligation to disclose who the hereditary successor is as explained above.
12.(11)(c)	(c) the person identified or elected to assume such leadership position is a minor has not yet come of age , the provisions of this section apply with the necessary changes.	See motivation above.
13.(2)	(2) Where the royal family or Khoi-San council fails to identify a suitable person as contemplated in subsection (1), the Premier must, after in consultation with the royal family or Khoi-San council, as the case may be, and after taking into account whether any of the grounds contemplated in subsection (1) is applicable, identify a suitable person to act as a king, queen, Khoi-San king, Khoi-San queen, principal traditional leader, senior traditional leader, headman, headwoman, senior Khoi-San leader or branch head, as the case may be on the condition that the royal family supports the identified person.	The Premier can only identify a regent in consultation with the Royal Family, as this means that the Royal Family is considered by the Premier in his decision. If the Premier is allowed to identify a regent after consultation with the Royal Family, it implies that the Premier simply needs to consult the Royal Family and can then identify a person without the approval of the Royal Family. It is crucial for the Royal Family to support the identified person to ensure unity and to prevent the possible undermining of the Royal Family.

13.(3)	(3) Where a person has been identified to act as a king, queen, Khoi-San king, Khoi-San queen, principal traditional leader, senior traditional leader, headman, headwoman, senior Khoi-San leader or branch head, the royal family or Khoi-San council, as the case may be, must, within seven fourteen days of the identification of an acting person, inform the Premier concerned of the particulars of the person so identified and the reasons for the identification of that person.	Seven days does not provide a sufficient timeframe for the royal family to do what is required.
13.(4)	(4) A person identified to act as a king, queen, Khoi-San king, Khoi-San queen, principal traditional leader, senior traditional leader, headman, headwoman, senior Khoi-San leader or branch head must, subject to subsection (5), be recognised, within 30 days of being informed of the identification by the royal family , by the Premier concerned by notice in the relevant provincial Gazette and the Premier must—	The office bearer must be compelled to grant recognition within a reasonable timeframe, just as communities are compelled to take certain actions within a specified timeframe.
14.(2)	(2) Where the senior traditional leader, headman or headwoman fails to identify a suitable person as contemplated in subsection (1), the Premier must, after in consultation with the relevant leader and royal family, and after taking into account whether any of the grounds contemplated in subsection (1) applies to such person, identify a suitable person as deputy on the condition that the royal family or relevant leader supports the identified person .	The Premier can only identify a regent in consultation with the Royal Family or relevant leader, as this means that the Royal Family or relevant leader is considered by the Premier in his decision. If the Premier is allowed to identify a regent after consultation with the Royal Family or relevant leader, it implies that the Premier simply needs to consult the Royal Family or relevant leader and can then identify a person without the approval of the Royal Family or relevant leader. It is crucial for the Royal Family or relevant leader to support the identified person to ensure unity and to prevent the possible undermining of the Royal Family or relevant leader.
14.(5)	(5) A royal family referred to in subsection (1) or (3) must, within seven fourteen days of the identification	Seven days does not provide a sufficient timeframe for the royal family to do what is required.

14.(6)	(6) The Premier concerned may must , with due regard to applicable customary law or customs and subject to subsection (8), recognise, within 30 days of being informed of the identification , the deputy identified	In the event that the identification complied with all requirements, there is no reason for the office bearer not to grant the recognition. The office bearer must be compelled to grant recognition within a reasonable timeframe, just as communities are compelled to take certain actions within a specified timeframe.
15.(1)(a)	(a) in terms of customary law, and customs, culture and tradition of the traditional or Khoi-San community concerned; and	Culture and tradition are also important considerations.
16.(3)(a)	(3)(a) A kingship or queenship council, Khoi-San kingship council or Khoi-San queenship council, a principal traditional council, and a traditional council consists of a number of members determined by the Minister, by formula published by notice in the Gazette after in consultation with—	The Minister should only do the determination in consultation with the relevant persons and forums, as this means that the relevant persons and forums are considered by the Minister in the decision. If the Minister is allowed to do the determination after consultation with the relevant persons and forums, it implies that the Minister simply needs to consult the relevant persons and forums and can then do the determination without the approval of the relevant persons and forums.
16.(3)(a)(i)(cc)	(cc) a forum of not more than 20 senior traditional leaders or senior Khoi-San leaders, as the case may be, under the kingship or queenship, Khoi-San kingship council, Khoi-San queenship council or principal traditional community, designated by the senior traditional leaders or senior Khoi-San leaders from amongst themselves, themselves in consultation with the king, queen, Khoi-San king or queen, or principal traditional leader , as the case may be; or	The king or queen or Khoi-San king or queen or principal traditional leader should not be excluded from the designation of the forum of the senior traditional leaders.

16.(4)(c)	(c) If there is no concurrence as referred to in paragraph (b), the king or queen, Khoi-San king or Khoi-San queen, principal traditional leader or senior traditional leader, as the case may be, must submit the names of the persons who were nominated for selection as contemplated in paragraph (a) to the Premier concerned and the Premier must, after in consultation with such leader and the forum referred to in paragraph (a), select the required number of members as contemplated in subsection (3)(d)(i).	The Premier should only do the selection in consultation with the relevant persons and forums, as this means that the relevant persons and forums are considered by the Premier in the decision. If the Premier is allowed to do the selection after consultation with the relevant persons and forums, it implies that the Premier simply needs to consult the relevant persons and forums and can then do the selection without the approval of the relevant persons and forums.
16.(5)(a)(i)	(i) The term of office of the elected members of a traditional council,	Only elected members' term of office should be limited to five years. Customary law, customs and tradition indicate that selected members serve for life or until they are removed in compliance with applicable customary law, customs and legislation. The current wording is not in accordance with customary law, customs and tradition.
16.(5)(a)(ii)	(ii) The term of office of the elected members of a kingship or queenship council, Khoi-San kingship council or Khoi-San queenship council or a principal traditional council,	Only elected members' term of office should be limited to five years. Customary law, customs and tradition indicate that selected members serve for life or until they are removed in compliance with applicable customary law, customs and legislation. The current wording is not in accordance with customary law, customs and tradition.
16.(9)	(9) The king or queen, Khoi-San king or Khoi-San queen, principal traditional leader or senior traditional leader will select a deputy chairperson with the concurrence of the relevant council A kingship or queenship council, Khoi-San kingship council or Khoi-San queenship council, principal traditional council or traditional council must elect one of its members as a deputy chairperson who will act as the chairperson in the absence of the king or queen, Khoi-San king or Khoi-San queen, principal traditional leader or senior traditional leader, as the case may be.	The election of a deputy chairperson is generally not in accordance with customary law, customs and tradition. The selection of a deputy by the king or queen, Khoi-San king or Khoi-San queen, principal traditional leader or senior traditional leader with the concurrence of the relevant council is in accordance with customary law, customs and tradition.

16.(10)(a)	(a) A kingship or queenship council, Khoi-San kingship council or Khoi-San queenship council or principal traditional council must meet at least once every three months and a traditional council must meet at least every two months: Provided that the king or queen, Khoi-San king or Khoi-San queen, principal traditional leader or senior traditional leader, as the case may be, may, with the concurrence of the relevant Premier, convene any additional ordinary or any special meeting of the relevant council.	The act should indicate the minimum frequency of meetings but must also allow for more frequent meetings. If a king or queen, principal traditional leader or senior traditional leader, wants to convene a meeting of the relevant council, they must have complete freedom to do so – there should be no requirement to obtain the concurrence of the Premier.
16.(12)(e)	(e) the period for which the member was selected or elected, as the case may be, has expired;	Only elected members should have a specified period of service (as explained above), this clause should therefore only apply to elected members.
16.(19)	(19) Whenever the area of jurisdiction of a traditional council is to be amended, the Premier must, after-in consultation with the relevant traditional council and municipal council, by notice in the provincial Gazette, redefine such area of jurisdiction provided that the traditional council and senior traditional leader consented to the amendment of the area of jurisdiction. The change in area of jurisdiction may not have any impact on the land rights, and specifically ownership rights, of the traditional community concerned.	The Premier should only do the amendment in consultation with the council, as this means that the council is considered by the Premier in the decision. If the Premier is allowed to do the selection after consultation with the council, it implies that the Premier simply needs to consult the council and can then do the amendment without the approval of the council. The area of jurisdiction of a traditional council determines the extent of land a traditional community can request the relevant Minister to transfer to the traditional community in title in terms of section 20 of the Upgrading of Land Tenure Rights Act 112 of 1991. A change to the area of jurisdiction is therefore a very serious matter that directly impacts the land rights and land ownership of the traditional community, and can only be done with the concurrence of the traditional council. The act must specifically require the council and leader to provide consent for an amendment. The land rights of the community must be guaranteed.

16.(20)	(20) Whenever the area of jurisdiction of a traditional sub-council is to be amended, the Premier must, afterin consultation with the relevant traditional council and sub-council, by notice in the provincial Gazette, redefine such area of jurisdiction. (19) Whenever the area of jurisdiction of a traditional sub-council is to be amended, the Premier must, afterin consultation with the relevant traditional council and sub-council, by notice in the Provincial Gazette redefine such area of jurisdiction provided that the traditional council and senior traditional leader consented to the amendment of the area of jurisdiction. The change in area of jurisdiction may not have any impact on the land rights, and specifically ownership rights, of the traditional community concerned.	The Premier should only do the amendment in consultation with the council and sub-council, as this means that the council and sub-council are considered by the Premier in the decision. If the Premier is allowed to do the selection after consultation with the council and sub-council, it implies that the Premier simply needs to consult the council and sub-council and can then do the amendment without the approval of the council and sub-council. The act must specifically require the council, sub-council and leader to provide consent for an amendment. The land rights of the community must be guaranteed.
17.(1)(a)	17. (1)(a) Notwithstanding the provisions of section 16, the Premier concerned may, at the request of a traditional council in cases where a traditional community occupies two or more non-contiguous geographical areas, or a very large contiguous area, within a province, establish a traditional sub-council	A very large area can also require the establishment of sub-council to improve effective administration.
17.(1)(b)	(b) A traditional sub-council consists of the number of members as determined by the Premier concerned, afterin consultation with the main traditional council.	The Premier should only do the determination in consultation with the council, as this means that the council is considered by the Premier in the decision. If the Premier is allowed to do the determination after consultation with the council, it implies that the Premier simply needs to consult the council and can then do the determination without the approval of the council.

17.(5)	(5) The chairperson of a traditional sub-council must be elected selected by the senior traditional leader in concurrence with the traditional council, after consultation with and the members of the traditional sub-council.	The election of a chairperson is generally not in accordance with customary law, customs and tradition. The selection of a deputy by the senior traditional leader with the concurrence of the relevant council and sub-council is in accordance with customary law, customs and tradition.
17.(6)	(6) A chairperson elected selected in terms of subsection (5) must be a member of the traditional council.	Change required due to proposed change to 17.(5) as explained above.
17.(7)	(7) The term of office of elected members of a traditional sub-council is not more than five years	Only elected members should have a specified period of service (as explained above), this clause should therefore only apply to elected members.
17.(8)(a)	(8) (a) A traditional sub-council must meet at least every two months and	The act should indicate the minimum frequency of meetings but must also allow for more frequent meetings.
17.(9)(b)	(b) If, after consultation with a traditional council, a Premier is of the opinion that a traditional sub-council is no longer contributing to the effective administration of that traditional community, the Premier may withdraw the recognition of such traditional sub-council if the traditional council concurs with such a step.	The concurrence of the traditional council is essential, as such a decision will impact directly on their capacity, work and responsibility.
18.(2)(a)	(2) (a) A Khoi-San council consists of the number of members determined by the Minister by formula published in the Gazette, after consultation with all relevant Premiers, and provincial houses and in consultation Senior Khoi-San leaders:	The determination must be done in consultation with Khoi-San leaders, they cannot be excluded from this process.
18.(2)(b)(i)	Provided further that if the number of branch heads are more than the required number of members, the branch heads must elect the required number from amongst themselves, ensuring provincial representation and concurrence of the Khoi-San leader; or	The concurrence of the Khoi-San leader is essential and in harmony with customary law and custom.
18.(3)	(3) The Premier concerned must, by notice in the relevant Provincial Gazette, recognise, within 30 days of being informed that the council was constituted, a Khoi-San council for a Khoi-San community and indicate the administrative seat of such Khoi-San council.	The office bearer must be compelled to grant recognition within a reasonable timeframe, just as communities are compelled to take certain actions within a specified timeframe.

18.(7)	(7) A Khoi-San council must meet at least every three months: Provided that the senior Khoi-San leader may, with the concurrence of the Premier of the province where such council is recognised, convene	The act should indicate the minimum frequency of meetings but must also allow for more frequent meetings. If a senior Khoi-San leader wants to convene a meeting of the council, he /she must have complete freedom to do so – there should be no requirement to obtain the concurrence of the Premier.
18.(8)	(8) The term of office of the elected members of a Khoi-San council	Only elected members should have a specified period of service (as explained above), this clause should therefore only apply to elected members.
19.(1)	Add an additional clause: 19.(1)(h) leading the planning and implementation of short-, medium- and long-term community development initiatives, programmes and projects.	The council must also be empowered by the act to lead the planning and implementation of community development.
19.(2)(f)	(f) convene at least four meetings per annum with traditional or Khoi-San councils, as the case may be, falling under its authority;	The act should indicate the minimum frequency of meetings but must also allow for more frequent meetings.
19.(2)(g)	(g) on a date and in a format as determined by the relevant Premier, submit a strategic plan for a period of five years to such Premier for approval consideration and input;	The relevant council cannot depend on the Premier for approval, also because the long-term priorities of hereditary structures can differ significantly from the short-term priorities of political office bearers. Consideration and input by the Premier would add more value.
19.(2)(h)	(h) on a date and in a format as determined by the relevant Premier, submit an annual performance plan to such Premier for approval consideration and input;	The relevant council cannot depend on the Premier for approval, also because the long-term priorities of hereditary structures can differ significantly from the short-term priorities of political office bearers. Consideration and input by the Premier would add more value.
19.(2)(i)	(i) on a date and in a format as determined by the relevant Premier, submit annual and quarterly reports in respect of its activities to such Premier for approval consideration and input , which report must include but are not limited to, information on—	The relevant council cannot depend on the Premier for approval, also because the long-term priorities of hereditary structures can differ significantly from the short-term priorities of political office bearers. Consideration and input by the Premier would add more value.

19.(3)	(3) The relevant Premier may, before approving considering a report submitted to him or her as contemplated in subsection (2)(g), (h)(i) and (k) request a meeting with the council to discuss the content of the report.	The relevant council cannot depend on the Premier for approval, also because the long term priorities of hereditary structures can differ significantly from the short term priorities of political office bearers. Consideration and input by the Premier would add more value.
19.	Add an additional clause: (5) A kingship or queenship council, Khoi-San kingship council or Khoi-San queenship council or principal traditional council must on a date and in a format as determined by them on an annual basis report on their activities to the community and obtain inputs and feedback from them.	These councils assist the leaders in the governance of and service to communities, and is in the final instance accountable to the community. Reporting to the community and inputs and feedback from the community are therefore essential.
20.(1)	Add an additional clause: 20.(1)(m) leading the planning and implementation of short-, medium- and long-term community development initiatives, programmes and projects.	The council must also be empowered by the act to lead the planning and implementation of community development.
20.(2)(c)	(c) disclose to the community and Premier concerned, the receipt of gifts with a value above an amount as may be determined by such Minister by notice in the Gazette;	Accountability to the community is essential.
20.(2)(e)	(e) on a date and in a format as determined by the relevant Premier, submit a strategic plan for a period of five years to such Premier for approval consideration and input ;	The relevant council cannot depend on the Premier for approval, also because the long-term priorities of hereditary structures can differ significantly from the short-term priorities of political office bearers. Consideration and input by the Premier would add more value.
20.(2)(f)	(f) on a date and in a format as determined by the relevant Premier, submit an annual performance plan to such Premier for approval consideration and input ;	The relevant council cannot depend on the Premier for approval, also because the long-term priorities of hereditary structures can differ significantly from the short-term priorities of political office bearers. Consideration and input by the Premier would add more value.
20.(2)(g)	(g) on a date and in a format as determined by the relevant Premier, submit annual and quarterly reports in respect of its activities to such Premier for approval consideration and input ,	The relevant council cannot depend on the Premier for approval, also because the long-term priorities of hereditary structures can differ significantly from the short-term priorities of political office bearers. Consideration and input by the Premier would add more value.

20.(3)(a)	(b) respectively meet at least once a year with the relevant traditional or main Khoi-San community to give account of the activities and finances of the traditional or Khoi-San council and obtain inputs and feedback from the community.	Inputs and feedback from the community are essential.
21.(1)	(1) Whenever a member of a traditional council, traditional sub-council or Khoi-San council is to be elected, the Premier concerned, after consultation with the relevant provincial house, and in consultation with the senior traditional leader or senior Khoi-San Leader and traditional council or Khoi-San council, may must have such elections conducted—	The senior traditional leader or senior Khoi-San leader and traditional council or Khoi-San council cannot be excluded in this process and the Premier must therefore act in consultation with the leaders and councils.
21.(1)(b)(ii)	(ii) by a body consisting of one or more persons appointed by the Premier in consultation with the senior traditional leader or senior Khoi-San Leader and traditional council or Khoi-San council:	The senior traditional leader or senior Khoi-San leader and traditional council or Khoi-San council cannot be excluded in this process and the Premier must therefore act in consultation with the leaders and councils.
22.(1)	22. (1) A kingship or queenship council, Khoi-San kingship council or Khoi-San queenship council, principal traditional council, traditional council, traditional sub-council and a Khoi-San council, in this section jointly referred to as a council, must endeavor endeavour to perform its statutory and financial obligations in the best interest of its community and is accountable to the Premier community concerned for the efficient and effective performance of such obligations and subjected to monitoring and oversight by the Premier concerned.	The Premier has a monitoring and oversight responsibility, but the relevant council is not accountable to the Premier but to the community it leads and serves.
22.(3)(b)	(b) if the Premier considers it necessary, designate, in consultation with the king or queen, principal traditional leader, senior traditional leader or senior Khoi-San leader, a person or persons to investigate the matter.	The leader cannot be excluded from the process to designate a person to do the investigation, the leader must concur with the choice of person.

22.(4)	(4) If, based on the information received or investigation conducted as contemplated in subsection (3), a Premier is satisfied that a council does not or cannot fulfill its statutory or financial obligations, the Premier may intervene by appointing any person or persons, in consultation with the king or queen, principal traditional leader, senior traditional leader or senior Khoi-San leader , for a period determined by the Premier in writing—	The leader cannot be excluded from the process to appoint a person or persons and to determine the period of appointment, the leader must concur with the choice of person and time period.
22.(4)(b)	(b) to assume responsibility for any or all of the statutory and financial obligations of such council and to mentor the council to capacitate and equip them to carry out their obligations again as soon as possible.	A situation where appointed persons assume responsibility for all statutory and financial obligations of the council cannot be allowed, as this would result in a total takeover of the affairs of the community by appointed persons. Mentorship, so that the council can carry out their obligations as soon as possible, is essential.
22.(5)	(5) If a person or persons are appointed in terms of subsection (4), the council concerned is divested of the specific or all of its statutory and financial obligations, as the case may be.	A situation where the council is divested of all statutory and financial obligations cannot be allowed, as this would result in a total takeover of the affairs of the community by appointed persons.
22.(8)	(8) An appointment made in terms of subsection (4) must be reviewed before the expiry of a period of 180 days: Provided that such a period may, as many times as the Premier concerned deems necessary to ensure the efficient and effective performance of the specific or all of the relevant council's statutory and customary obligations, be renewed in concurrence with the king or queen, Khoi-San king or queen, principal traditional leader, senior traditional leader or senior Khoi-San leader for a further period of 180 days and must be reviewed before the expiry of any such period of 180 days.	The decision to renew the period cannot be taken without the concurrence of the king or queen, Khoi-San king or queen, principal traditional leader, senior traditional leader or senior Khoi-San leader, as this would mean a total takeover by the Premier to the complete exclusion of the relevant leader.
23.(1)(b)	(b) monitor and oversee manage the finances of such councils.	Government should monitor and oversee, councils should be capacitated to manage themselves.

23.(2)	(2) The Premier of a province may, after in consultation with a kingship or queenship council, Khoi-San kingship council or Khoi-San queenship council, principal traditional council, traditional council or Khoi-San council situated in the particular province—	The Premier must take these steps in consultation with the relevant council to ensure the concurrence of the council.
23.(3)(a)(i)	(i) all voluntary contributions made by members of the relevant community to such council ;	This subsection only applies to contributions to the council, not all voluntary contributions made by community members.
23.(3)(a)(v)	(v) any other moneys of the council as may be determined or agreed to by the Premier in consultation with the council .	This subsection only applies to moneys of the council. Any determinations or agreements by the Premier should be done in consultation with the council as they cannot be excluded in matter directly affecting them and their community.
23.(3)(a)	a Premier must, in consultation with the relevant Provincial Treasury and such council and subject to paragraph (c) and any legislative or other measures as contemplated in subsection (1), determine—	Any actions taken by the Premier should be done in consultation with the council as they cannot be excluded in matter directly affecting them and their community.
23.(3)(b)	and may designate any official from the provincial government to assist the council concerned with the management of such account or to manage such account on behalf of the relevant council: Provided that for the purposes of subparagraphs (ii) to (vii) the Premier must do the designation in consultation with consult the relevant council prior to making any determination as contemplated in those subparagraphs.	The council should not be excluded from the designation and it must therefore be done in consultation with the council to ensure that the designation carries the approval of the council.
24.(3)(e)	(e) may promote collaboration between the institution of traditional and Khoi-San leadership, other cultural communities, the private sector and government in socio-economic development and service delivery of the community; and	Collaboration with other cultural communities and the private sector is essential for improvement and development on grassroots level.

24.(3)	Remove complete clause: Provided that the Premier must ratify a partnership or agreement within 180 days of receipt of such agreement or partnership or any such time period stipulated in such partnership or agreement; whichever is the earlier date.	It cannot be allowed that all agreements be subject to ratification by the Premier, as this would strip the council of all decision-making capacity, as well as their dignity.
24.(6)(a)	(a) monitor all partnerships and agreements as contemplated in this section and may take the necessary steps to ensure the effective and efficient implementation or termination thereof in concurrence with the council;	The council cannot be excluded from implementation and termination and it must therefore be done with the council's concurrence.
24.(6)(c)	(c) review all partnerships and agreements as contemplated in section 63(22) in consultation with the king or queen, Khoi-San king or queen, principal traditional leader, senior traditional leader or senior Khoi-San leader.	The king or queen, Khoi-San king or queen, principal traditional leader, senior traditional leader or senior Khoi-San leader cannot be excluded from the review of partnerships and agreements and it must therefore be done in consultation with the relevant leader.
24.(7)(a)	(7) (a) A Premier, when reviewing considering the ratification of any partnership or agreement as contemplated in subsection (3), must be satisfied that satisfy himself / herself that the provisions of this subsection have been complied with.	The Premier should not ratify agreements (as explained above) but can add value by reviewing agreements and ensuring that they comply with requirements.
24.(7)(b)	(b) If a Premier is of the opinion that a partnership or agreement does not comply with the provisions of this subsection, the Premier must refer such partnership or agreement to inform the parties who entered into such partnership or agreement of his opinion , together with his or her reasons for reaching this conclusion not ratifying the partnership or agreement , and request recommend to them to rectify any shortcomings as referred to in his or her reasons.	The Premier should not ratify agreements (as explained above) but can add value by reviewing agreements and provide advice to councils how agreements can be amended to ensure compliance.

25.(1)	25. (1) A department within the national or provincial sphere of government, as the case may be, may, through legislative or other measures provide a role for a kingship or queenship council, Khoi-San kingship council or Khoi-San queenship council, principal traditional council, traditional council, Khoi-San council and traditional sub-council, in consultation with the relevant leaders and councils , in respect of any functional area of such department: Provided that such a role may not include any decision-making power.	The relevant leaders and councils cannot be excluded from processes that determine their roles, it must therefore be done in consultation with the relevant leaders and councils. The act must allow for the roles to include decision-making power.
25.(2)(b)(i)	(i) in the case of a national department, obtain the concurrence of the Minister and consult with the concurrence of the National House;	The concurrence of the National House must also be obtained, they cannot be merely consulted on matters that impact the institution directly.
25.(2)(b)(ii)	(ii) in the case of a provincial department, obtain the concurrence of the member of the Executive Council responsible for traditional affairs of the relevant province and the concurrence of consult with the relevant provincial and local houses.	The concurrence of the Provincial and Local Houses must also be obtained, they cannot be merely consulted on matters that impact the institution directly.
25.(2)(b)(iii)	(iii) obtain the concurrence of consult with the relevant traditional and Khoi-San council concerned.	The concurrence of the relevant council must also be obtained, they cannot be merely consulted on matters that impact the institution directly.
25.(5)(a)	(a) When a national or provincial department has made provision for a role as contemplated in subsection (1), such department must inform the Department, the National House and the relevant provincial house, as the case may be , of—	It is essential that the National House and relevant provincial houses be informed.
25.(5)(b)	(b) When a national or provincial department withdraws a role or resources as contemplated in subsection (4), such department must inform the Department, the National House and the relevant provincial house, as the case may be , of the reasons for such withdrawal.	It is essential that the National House and relevant provincial houses be informed.

25.	Add an additional clause: (6) Where a department has made provision for a role for any council contemplated in subsection (1), such department must facilitate the capacitation of the relevant council to ensure that the role can be executed efficiently and effectively.	One cannot make provision for a role and then not capacitate a council to execute the role.
28.(1)	28. (1) The National House comprises of the number of senior traditional and senior Khoi-San leaders, as determined by the Minister by formula published by notice in the Gazette, after in consultation with—	The Minister must make the determination in consultation with the relevant stake holders to ensure their concurrence.
28.(1)(b)	(b) the king kings or queen queens , Khoi-San king kings or Khoi-San queen queens , principal traditional leader leaders, senior traditional leaders, and	Correction of spelling errors. Senior traditional leaders cannot be excluded. If this is done, many traditional communities are completely excluded from the process, unfairly.
28.(2)	Add an additional clause: (f) ensure representation of the cultural diversity of traditional and Khoi-San communities	It is essential that the house represents the cultural diversity of the communities, to ensure for example that certain language groups are not excluded or over represented.
29.(7)	(7) In the event that a provincial house fails to elect one or more of its members to serve in the National House within the period referred to in subsection (2), the Premier concerned must designate members of the relevant provincial house to serve in the National House in consultation with the provincial house.	The provincial house cannot be excluded from the designation of members to the National House, it must therefore be done in consultation with the house.
31.(b)	(b) if the member resigns by written notice to the Minister chairperson;	A member should resign by written notice to the chairperson, not the Minister. The current wording undermines the independence and authority of the house and its office bearers.

33.(3)	(3) Special meetings of the National House may, subject to subsection (5), be held at a time and place determined by the Executive Committee of the National House or, if authorised thereto by the Executive Committee, by the Chairperson of the National House: Provided that the Minister may at any time request to convene a special meeting of the National House for the purposes of attending to urgent business at a time and place determined by the Minister in concurrence with the National House.	It is disrespectful for any person to convene or be empowered by an act to convene a house of royal leaders without consulting with them. It should be requested and should be held on a date at a time and place in concurrence with the house.
35.(2)	(2) The Minister may, after in consultation with the National House and subject to subsection (1), determine that certain members are full-time members of the National House.	Such decision cannot be taken by the minister without the concurrence of the house, it must therefore be done in consultation, not after consultation.
36.(1)(a)(iii)	(iii) the preservation of the moral fibre and traditional values and regeneration of traditional and Khoi-San communities;	The preservation of traditional values is essential for the regeneration of communities and the preservation of moral fibre.
36.(1)(a)(vii)	(vii) the transformation and adaptation reformation and development of customary law and customs as contemplated in section 2.	The current wording reads like an attack on customary law and custom; 'reformation and development' is a better reflection of an acceptable approach.
36.(1)(a)	Add an additional clause: 36.(1)(a)(viii) the preservation and development of the languages of traditional and Khoi-San communities;	The preservation and development of the languages of communities is crucial to preserve diversity and ensure continued existence.
36.(1)(a)	Add an additional clause: 36.(1)(a)(ix) the peaceful co-existence of and mutual respect between all cultural communities in the country;	Peaceful co-existence of cultural communities is crucial for the stability of society.
36.(1)(a)	Add an additional clause: 36.(1)(a)(x) the safety of communities;	Safety of communities is a precondition for improvement of the well-being of communities.
36.(1)(a)	Add an additional clause: 36.(1)(a)(xi) the creation of an environment favourable to the development of communities;	An environment that is favourable to development is essential for the well-being of communities.

36.(1)(a)	Add an additional clause: 36.(1)(a)(xii) the protection and strengthening of the family;	Families are the building blocks of society, strong families ensure strong communities and general well-being.
36.(1)(a)	Add an additional clause: 36.(1)(a)(xiii) the promotion of the self-determination of communities and enabling them to pursue their economic, social and cultural development with due regard to their freedom and identity, according to the policy they freely choose.	See comments at 2.(1)
36.(1)(a)	Add an additional clause: 36.(1)(a)(xiv) the protection and strengthening of the property rights of communities and enabling them to freely dispose of their wealth and natural resources in their own interest.	See comments at 2.(1)
36.(2)(b)	Add an additional clause: 36.(2)(b)(v) the heritage, culture and language of traditional and Khoi-San communities.	The National House is best equipped to advise government on the heritage, culture and language of traditional and Khoi-San communities.
36.(2)(f)	(f) may form cooperative relations and partnerships with government, the private sector and other cultural communities at national level in respect of development and service delivery within traditional and Khoi-San communities;	Other cultural communities and the private sector also have an important role to play.
36.(2)(h)	(h) may participate in national initiatives meant to monitor, review and evaluate government and private sector programmes in traditional and Khoi-San communities; and	Private sector programmes must also be monitored and reviewed.
36.(2)(i)	(i) must perform tasks as may be determined by the President or Minister in concurrence with the House or as may be provided for in national legislation.	Obtaining concurrence from the house is essential.

36.(2)	Add an additional clause: (j) must coordinate, facilitate and drive initiatives aimed at the continued, free, safe and prosperous existence of traditional and Khoi-San communities in peaceful co-existence with all cultural and other communities in the country.	The National House must be empowered to promote the cause and priorities of traditional and Khoi-San communities.
36.	Add an additional clause: (3) Any member of the National Cabinet who is responsible for national government development programmes that affect or may affect traditional or Khoi-San communities, must implement, amend or discontinue any such programme in consultation with the National House.	The National House cannot be excluded from the implementation, amendment or discontinuation of development programmes that affect their communities, such must therefore be done in consultation with the National House.
38.(2)(a)	(a) The strategic plan and annual performance plan referred to in subsection (1)(a) and (b) must be submitted to the Minister for approval input and consideration , before a date determined by the Minister.	The strategic and performance plan of the National House would benefit more from consideration and input by the minister than from a formal approval requirement. Requiring the minister to approve the plan of this house of royal leaders would also be derogatory and would infringe on the independence of the house.
39.(1)(a)(i)	(i) which directly or indirectly affects traditional or Khoi-San communities or pertaining to customary law, or customs, tradition, culture, heritage or language of traditional or Khoi-San communities; or	Tradition, culture, heritage and language are key to the existence of traditional and Khoi-San communities and the National House should therefore be provided with the opportunity to comment on Parliamentary Bills relating to these matters.
41.(2)	(2) Where the National House wishes to interact with a local house or a traditional or Khoi-San council, such interaction must be done in consultation with the relevant provincial house: Provided that where no provincial house has been established, the National House may, after having informed the relevant Premier, interact directly with a local house or traditional or Khoi-San council.	There is no good reason for requiring the national house to inform the Premier of a consultation with a customary structure.

42.(1)(a)	Add an additional clause: 42.(1)(a)(v) capacity building	It is important to build the capacity of the National House so that it can contribute even more towards the creation of solutions for communities.
43.(1)	(1) The National House must annually, by no later than 30 June of a particular year, submit to the Minister a report in respect of the preceding financial year, complying with the provisions of subsection (2), in respect of its activities and programmes and must, within 30 days after the Minister has approved considered and provided input to the report, table it in Parliament.	The minister should not be tasked with approving the report of this royal house, but can add value by considering the report and providing input.
43.(3)(a)	(a) The Minister may, before approving considering a report submitted to him or her as contemplated in subsection (1), request a meeting with the National House to discuss the content of the report.	See motivation above.
47.(2)	(2) Notwithstanding the dissolution of the National House, the Minister may request to convene the National House to an extraordinary meeting to attend to any urgent business, during the period following such dissolution until the day before the first meeting of the next National House and for this purpose—	It is disrespectful for any person to convene or be empowered by an act to convene a house of royal leaders to a meeting. It should be requested.
49.(5)	to such Premier for approval consideration and input.	The office bearer should not be tasked with approving the plans and reports of this royal house, but can add value by considering the report and providing input.
50.(4)(a)(i)	(i) matters pertaining to development , customary law, customs, heritage, culture, language, tradition, and traditional and Khoi-San leadership of the traditional and Khoi-San communities within such municipality;	Development of communities, tradition, culture, heritage and language is key to the existence of traditional and Khoi-San communities and the Local House should therefore be provided with the opportunity to provide advice on these matters.
50.(4)	Add an additional clause: 50.(4)(e) leading the planning and implementation of short-, medium- and long-term community development initiatives, programmes and projects.	The house must also be empowered by the act to lead the planning and implementation of community development.

50.(6)	for approval consideration and input by such Premier.	The office bearer should not be tasked with approving the plans and reports of this royal house, but can add value by considering the report and providing input.
50.(11)	(11) The Minister may, in consultation with provincial houses , in accordance with the provisions of section 60, make regulations in respect of—	Provincial houses must be consulted on matters that will directly impact local houses.
50.(12)	(12) A Premier may make, in consultation with provincial houses , regulations in respect of the matters set out in subsection (11):	Provincial houses must be consulted on matters that will directly impact local houses.
51.(2)	(2) The Commission must carry out its functions in a manner that is just, fair, objective, professional, scientific, accurate and impartial.	Only the correct approach, which includes being professional, scientific and accurate will ensure good outcomes for communities.
52.(1)(c)	(c) The members of the Commission referred to in paragraph (b)(ii), (iii) and (iv) must collectively represent a pool of knowledge concerning issues relevant to the Khoi-San groupings and must include at least one recognised historian.	The commission will not be able to execute its mandate properly without the inputs of a recognised historian.
52.(1)(f)	(f) A nomination made by the public must contain all the information as may be specified in the invitation and must indicate whether the nominee is eligible for possible recognition as a Khoi-San king, Khoi-San queen, senior Khoi-San leader, branch head or is a member of a community which may apply for possible recognition as a Khoi-San community: Provided that no such person may serve on the Commission a person that is a member of a particular Khoi-San community cannot participate in the proceedings of the Commission in so far as it relates to the Khoi-San community and its leaders that such a person is a member of.	The original wording of this clause is very problematic, as it excludes all members of Khoi-San communities that are applying or want to apply for recognition either as a leader or a community member of a Khoi-San community from the Commission. Members of Khoi-San communities are in actual fact by far the best equipped to serve on this Commission. The subsection must therefore be modified so that members of a specific Khoi-San community should only be excluded from considering recognition of the Khoi-San community they belong to or the recognition of the Khoi-San leaders of their own community. They should participate in the process to recognise Khoi-San communities and the leaders of such Khoi-San communities that they are not a member of.

52.(4)(f)	Remove the clause: (f) such member becoming eligible for recognition as a Khoi-San king, Khoi-San queen, senior Khoi-San leader, senior Khoi-San leader or branch head, or being a member of a community which applied for recognition as a Khoi-San community.	See the reasoning in the line above.
52.(6)	Add an additional clause: (6) A person that serves in any official capacity in any political party or is a local councillor may not serve as a member of the Commission.	It is essential that undue political interference in the work of the Commission be avoided.
56.(3)	(3) When considering an application, the Commission must consider and apply living customary law, and customs, tradition, culture, language, heritage and history of the Khoi-San community concerned.	Tradition, culture, language, heritage and especially history are key to cultural identity and should also be taken into account when an application is considered. It is essential to consider living customary law, and not archaic versions thereof.
58.(2)(b)	(b) A Premier must submit his or her comments indicate his or her support or rejection of the recommendation of the Commission to the Commission within a period of 60 days from the date of referral of the recommendation: Provided that if no comments are received within the period of 60 days, it shall be deemed that the Premier is in support of the specific recommendation. If the Premier rejects the recommendation of the Commission, the Premier must provide written reasons for such decision to the Commission and must approach a competent court to have the report reviewed and set aside. If the report is reviewed and set aside, a new investigation must be conducted.	If an expert commission recommends that a community or leader should be recognised, there is no reason for the relevant office bearer not to recognise the community or leadership position – unless the office bearer concludes that the recommendation and / or the report of the commission is flawed. The report must then be subjected to adjudication by a competent court. If the report is reviewed and set aside, a new investigation will have to be conducted.

58.(4)	(4) If the Minister takes a decision that differs with the recommendation submitted in terms of subsection (2), the Minister must provide written reasons for such decision to the Commission and relevant Premier and must approach a competent court to have the report reviewed and set aside. If the report is reviewed and set aside, a new investigation must be conducted.	If an expert commission recommends that a community or leader should be recognised, there is no reason for the relevant office bearer not to recognise the community or leadership position – unless the office bearer concludes that the recommendation and / or the report of the commission is flawed. The report must then be subjected to adjudication by a competent court. If the report is reviewed and set aside, a new investigation will have to be conducted.
58.(5)(a)	(a) recognise, within 30 days after a decision was made on the recommendation, a Khoi-San kingship or Khoi-San queenship, Khoi-San community, branch, Khoi-San king or Khoi-San queen, senior Khoi-San leader or branch head, as the case may be, by notice in the Gazette; and	The office bearer must be compelled to grant recognition within a reasonable timeframe, just as communities are compelled to take certain actions within a specified timeframe.
59.(7)(a)	(a) cause an investigation to be conducted by an investigative committee designated by him or her which committee must, in the case of a dispute concerning a king, queen, kingship or queenship, Khoi-San kingship or Khoi-San queenship or Khoi-San king or Khoi-San queen, include at least one member of the National House and a recognised historian and in the case of any other dispute include at least one member of the relevant provincial house and a recognised historian, to provide a report as well as recommendations on the matter in dispute within 60 days from the date of designation of the investigative committee; and	The committee will not be able to execute its mandate properly without the inputs of a recognised historian.

59.(9)	(9) Within 60 days of receipt of the report and recommendations of the investigative committee, the comments of the royal family or traditional council or Khoi-San council and affected community members and, where applicable, the comments and advice of the Minister, the President or relevant Premier, as the case may be, must take a decision on the matter in dispute and inform the parties to the dispute in writing of his or her decision. If the President or relevant Premier rejects the recommendation of the committee, the President or relevant Premier must provide written reasons for such decision to the committee and must approach a competent court to have the report reviewed and set aside. If the report is reviewed and set aside, a new investigation must be conducted.	If an expert committee makes a recommendation, there is no reason for the relevant office bearer not to accept the recommendation – unless the office bearer concludes that the recommendation and / or the report of the committee is flawed. The report must then be subjected to adjudication by a competent court. If the report is reviewed and set aside, a new investigation will have to be conducted.
60.(1)(d)	the documentation of customary processes, structures and living customary laws of succession and the development of genealogies for traditional or Khoi-San leadership, no person shall however have the right to demand the sacred aspects of succession to be documented;	Succession relies more on processes and structures, than on fixed 'laws'. This transfer of an approach of 'fixed laws', is foreign to customary law and custom and is problematic when implemented. Living customary law that is continuously adapting, is key. It is about considering substance, not form. Sacred aspects should be protected.
60.(2)	(2) Before any regulations Regulations that are made under this section, by the Minister must be done in consultation with the National House and relevant provincial houses; and may consult—	The relevant houses cannot be excluded from decisions that will directly affect the communities and leaders they serve.
60.(2)(b)	Remove the clause: (b) the National House and relevant provincial houses; and	This change is required due to the change proposed above.

63.(1)(e)	... must within three years of commencement of this Act, submit written customary processes, structures and living customary law of succession and relevant genealogies, for purposes of recognition and withdrawal of leadership positions applicable within their respective communities to the Minister. No person shall have the right to demand the sacred aspects of succession to be documented.	Succession relies more on processes and structures, than on fixed 'laws'. This transfer of an approach of 'fixed laws', is foreign to customary law and custom and is problematic when implemented. Living customary law that is continuously adapting, is key. It is about considering substance, not form. Sacred aspects should be protected.
66.(1)	(1) This Act is called the Traditional and Khoi-San Royal Leadership Act, 2026, and comes into operation on the date to be determined by the President by proclamation in the Gazette. Or (1) This Act is called the Traditional and Khoi-San Customary Leadership Act, 2026, and comes into operation on the date to be determined by the President by proclamation in the Gazette.	The leadership of both Traditional and Khoi-San cultural communities is royal and customary, either of these titles are therefore more suitable.