

VENDA GOVERNMENT.

GUIDELINES ON STRUCTURE SUBMISSIONS

OF TBVC STATES TO SUB-COMMITTEE 4.

("THE POLITICAL, LEGAL AND CONSTITUTIONAL EFFECTS OF RE-INCORPORATION
OF THE TBVC STATES") OF WORKING GROUP 4.

2. SUBMISSION BY THE VENDA GOVERNMENT

A. BRANCHES OF GOVERNMENT

A.1. THE EXECUTIVE.

The Executive of the Venda Government is composed of the Chairman and (9) nine Councillors.

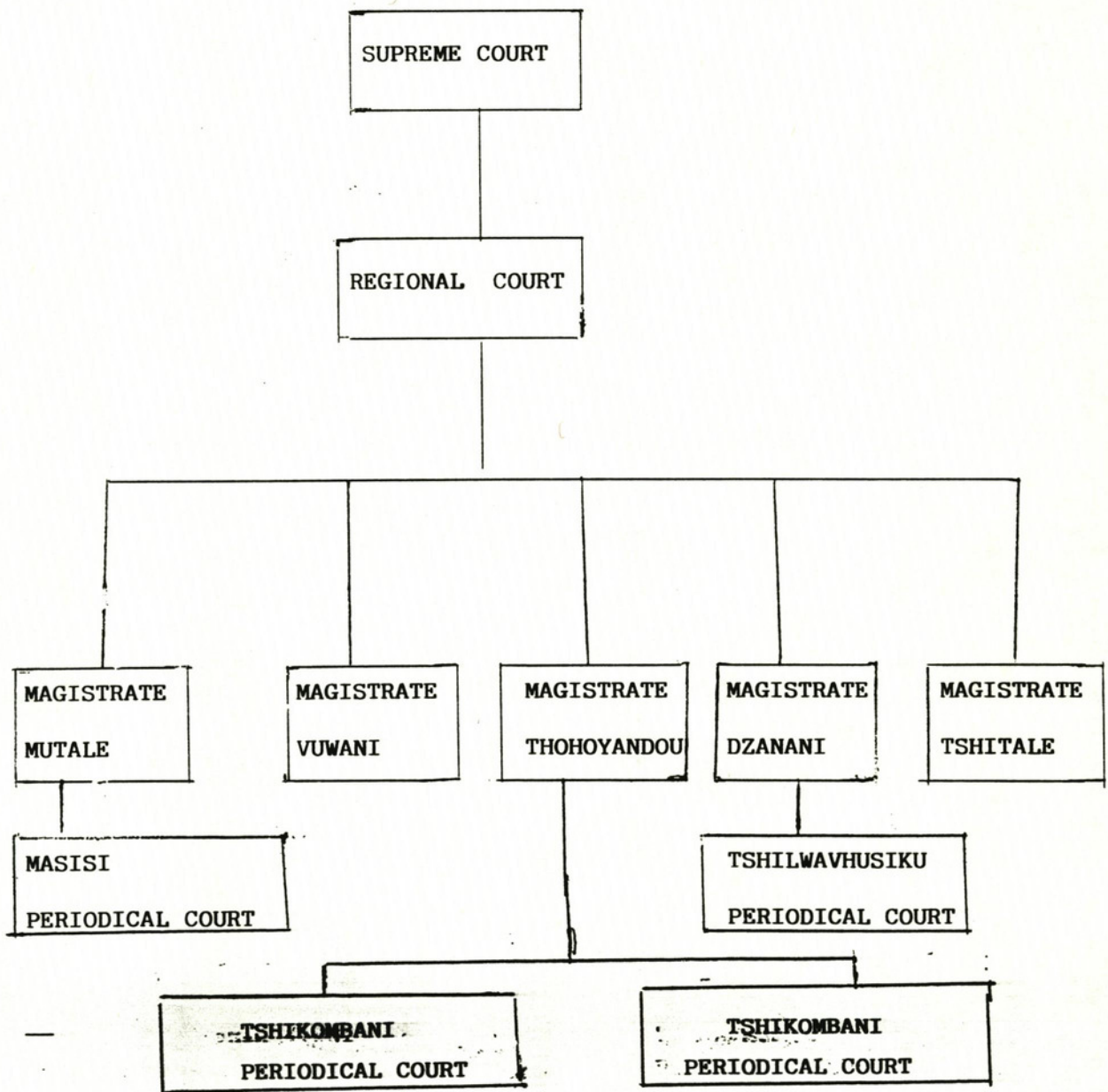
The powers of the Head of Government including his functions is to exercise control of the whole government with the assistance of his Councillors who are heads of Department (i.e. political heads.) The Department of the Head of the Government is the co-ordinating forum with all government departments.

A.2. THE JUDICIARY

In the Republic of Venda, the judiciary is an independent body. It consists of the following structures:-

1. Supreme Court
2. Regional Court
3. Magistratés Court

DIAGRAM OF THE JUDICIARY.



A.3. THE LEGISLATURE

In Venda the Executive and the Legislature is the same body because members of the Executive are also responsible to make laws in the form of Proclamations in the Council of National Unity (CNU).

A.4. THE RELATIONSHIP OF EACH OF THE ABOVE TO EACH OTHER.

In Venda there is no relationship between the Judiciary and the Executive or the Legislature. The relationship only exists between the Executive and the Legislature being the same body.

B. LEVELS OF GOVERNMENT.

B.1. REGIONAL GOVERNMENT

In Venda the Regional Government is not in existence. Instead we have District Councils which are established in each of the five districts as follows:-

THOHOYANDOU DISTRICT COUNCIL, DZANANI DISTRICT COUNCIL, VUWANI DISTRICT COUNCIL, MUTALE DISTRICT COUNCIL AND TSHITALE DISTRICT COUNCIL.

B.2. LOCAL GOVERNMENT

In Venda the Local Governments are known as Territorial Councils established in each Tribal area. There are 28 territorial Councils in Venda situated as follows:-

THOHOYANDOU DISTRICT

In this district we have 5 (five) territorial councils as follows:-

TSHIVHASE, MPHAPHULI, MAKUYA, MULENZHE AND TSHIKONELO.

DZANANI DISTRICT

In this district we have 3 (three) territorial Councils as follows:-

MPHEPHU, SINTHUMULE AND MPHEPHU.

VUWANI DISTRICT

In this District there are 9 (nine) territorial Councils as follows:-

LWAMONDO, TSHAKHUMA, TSIANDA, HA-MUTSHA, NESENGANI, TSHIMBUPFE, DAVHANA, MASIA. AND MASHAU.

TSHITALE DISTRICT

In this district there are 5 (five) territorial Councils as follows:-

MASHAMBA, MASAKONA, NTHABALALA, MULIMA AND MUILA.

B.3. THE ROLE, POWERS AND FUNCTIONS OF TRADITIONAL LEADERS AT ALL LEVELS OF GOVERNMENT.

In Venda the role, powers and functions of traditional leaders at all levels of Government is that each Chief (Khosi) is always a Chairman of his territorial Council and all Chiefs (Mahosi) are ex officio members of the District Council where one of the Chiefs presides as a Chairman of the District Council's meetings.

B.4. RELATION OF EACH LEVEL OF GOVERNMENT TO EACH OTHER

The relationship is that matters emanating from territorial councils are referred to a District Council for a decision.

3. ROLE OF POLITICAL ORGANISATIONS.

At the present moment there are no registered political organisations in Venda but parties are at liberty to register themselves.

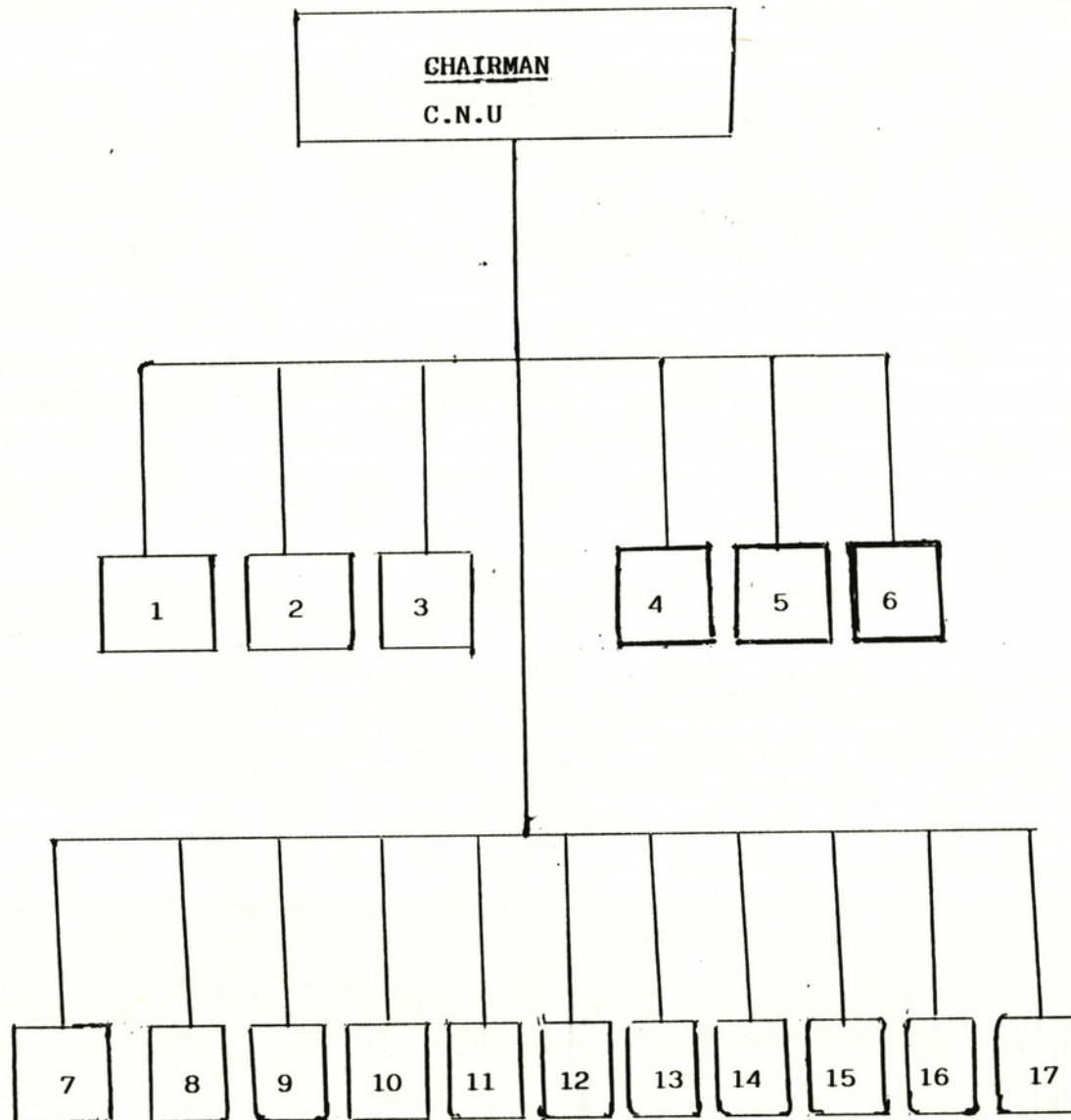
4. STRUCTURE AND BRANCHES OF ADMINISTRATION.

The structures and Branches of Administration of Venda are as set out in the following diagram as Annexure A.

The Authority of each of these administrative Branches is that in each Department, the authority is the political head assisted by the Director-General who is the administrative head.

ANNEXURE A.

INDEX



1. DEPT. PRISON
2. FINANCE
3. VENDA DEFENCE FORCE
4. JUSTICE
5. AUDIT
6. INTELLIGENCE
7. HEALTH
8. COMMISSION FOR ADMIN & POST AND
COMMUNIC
9. EDUCATION AND CULTURE
10. DEPT. OF WORKS
11. AGRIC & FORESTRY
12. INTERNAL AFFAIRS AND MANPOWER
13. URBAN AFFAIRS & LOCAL GOVTS.
14. LAW AND ORDER
15. FOREIGN AFFAIRS AND INFORMATION
16. POST AND COMMUNIC
17. DEPT. OF INFORMATION

5. SUPPORTING DOCUMENTS

In the case of Regional (District) Councils and Territorial (Local) Councils, the relevant acts are the following:- (a) VHUHOSI ADMINISTRATION ACT. 1986 (ACT 14 OF 1986).

(b) DISTRICT AND TERRITORIAL COUNCILS ACT, 1986
(ACT 15 OF 1986)

(c) DISTRICT AND TERRITORIAL COUNCILS AMENDMENT PROCLAMATION,
1991 (PROCLAMATION NO. 38 OF 1991)

6. CONSTITUTION

The Constitution of Venda is embodied in the Republic of Venda Constitution Act, 1979 as amended (Act 9 of 1979). Some provisions of this Constitution had been suspended by the Proclamation which established the Council of National Unity in 1990. In this Constitution as well as in the Procl. no rights are enshrined and the Bill of Rights is also excluded.

6.A. RELEVANT LEGISLATION.

Republic of Venda Constitution Act, 1979 (Act 9 of 1979).

Proclamation No. 7 Of 1990: Assumption of Control of Government and Admin by the Council of National Unity.

Public Service Act, 1986 (Act 8 of 1986)

Prison Act, 1985 (Act 3 of 1985)

Venda Police Act, 1985 (Act 4 of 1985).

Venda Defence Force Act, 1982 (Act 15 of 1982).

Interpretation Act, 1975 (Act 33 of 1957)

Electoral Act, 1983 (Act 18 of 1983)

Electoral Amendment Act, 1988 (Act 6 of 1988).

Magistrates' Courts Act, 1944 (Act 32 of 1944).

Supreme Court Act, 1959

Venda Law Commission Act, 1988 (Act 18 of 1988).

Town Councils Proclamation, 1990 (Procl. No. 43 of 1990).

B. PROPERTY LEGISLATION.

These Acts are the same as those of R.S.A. before 13/9/1979. Any Amendment of R.S.A. Act is applicable in Venda if adopted.

C. ECONOMIC LEGISLATION

Same as those in the R.S.A. because of harmonization.

D. OTHER RELEVANT LEGISLATION.

Labour Act, 1982 (Act 18 of 1982)

Health Acts are the same as those in the R.S.A. if adopted.

Education Act, 1973 (Act 3 of 1973)

Marriage Legislation same as those of R.S.A. - if adopted.

At the moment Venda is about to pass a proclamation which will have an effect of recognising Customary unions as valid marriages.
