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DECREE NO. 1 OF 1996



THE KING'S PROCLAMATION TO THE NATION OF 12TH APRIL, 1973

THE ESTABLISHMENT OF THE SWAZI NATIONAL COUNCIL
STANDING COMMITTEE

In exercise of the powers vested in me by the King's Proclamation to the Nation of 12th April, 1973, I, MSWATI III NGWENYAMA OF SWAZILAND hereby issue the following Decree -

Citation and commencement.

1. This Decree may be cited as the Swazi National Council Standing Committee Decree 1996 and shall be deemed to have come into force on the 8th May, 1996.

Establishment of the Standing Committee.

2. (1) There is hereby established a Standing Committee to be known as the Swazi National Council Standing Committee (hereinafter referred to as "the Standing Committee").

(2) The Standing Committee shall be composed of the following members -

(a) Prince Thohlongwane	-	Chairman
(b) Mlobokazana Fakudze	-	Member
(c) Prince Tsekwane	-	"
(d) Lusekwane Dlamini	-	"
(e) Prince Masitsela	-	"
(f) Peter Mamba	-	"
(g) Prince Phiwo kwakhe	-	"
(h) Chief Nsukumbili II Gama	-	"
(i) Chief Nhloko Zwane	-	"
(j) Pastor Sikhova A. Msibi	-	"
(k) Samuel Mkhombe	-	"
(l) Prince Mguqiso	-	"
(m) Adelaide Dinizwe Mabila	-	"
(n) Prince Maguga	-	"
(o) Mrs Senanile Nkosi	-	"
(p) Mrs Eleanor Mbhamali	-	"
(q) Vuka Moi Moi Masilela	-	"
(r) Chief Nzameya Nhlabatsi	-	"
(s) Bheka Mabuza	-	"
(t) Magwagwa Ephraem Mdluli	-	"
(u) Edward N. Dlamini	-	"

(v) Christopher Makhanya

- Secretary

(3) Members of the Standing Committee shall -

- (a) hold office for a period of two years or such other period as the Ngwenyama may determine;
- (b) retain their positions wherever they were or employed prior to appointment to the Standing Committee;
- (c) based on a maximum of 150 days per year, be paid a retainer fee of E4,000.00 per month, a travelling allowance at Government rates and a sitting allowance as paid to members of other Commissions.

Functions of the Standing Committee.

3. (1) The Standing Committee, shall advise the Ngwenyama on all matters -

- (a) regulated by Swazi Law and Custom and connected with Swazi tradition and culture;
- (b) referred to it from time to time by the Ngwenyama,

with a view to ensuring good governance and building a coherent and integrated Swazi Nation.

(2) In the performance of its functions, the Standing Committee shall be responsible to the Ngwenyama and answerable to the Swazi National Council.

(3) The operations of the Standing Committee shall fall within the structures of the Swazi National Council.

Quorum.

4. The quorum of the Standing Committee shall be at least half of its membership.

Rules of procedure.

5. Subject to this Decree and the Swazi National Council, the Standing Committee may determine its own rules of procedure.

THUS DONE AT LOZITH'EHLEZI THIS 22ND DAY OF AUGUST, 1996.

MSWATI III
NGWENYAMA OF SWAZILAND

DECREE NO. 2 OF 1996



THE KING'S PROCLAMATION TO THE NATION OF 12TH APRIL, 1973

THE ESTABLISHMENT OF THE CONSTITUTIONAL REVIEW COMMISSION

Whereas, I, MSWATI III, KING OF THE KINGDOM OF SWAZILAND deem it expedient to appoint a Commission to enquire into and report on the matters mentioned hereinafter, in the exercise of the powers vested in me by the King's Proclamation to the Nation of 12th April, 1973, I hereby, issue the following Decree -

Citation.

1. This Decree may be cited as the Constitutional Review Commission Decree, 1996.

Establishment of Commission.

2. (1) There is hereby established a Commission to be known as the Constitutional Review Commission (hereinafter referred to as "the Commission").

- (2) The Commission shall be composed of the following members -

(a) Mangaliso Amon Dlamini	-	Chairman
(b) Chief Madlenya Gamedze	-	Member
(c) Rev. Ernest Hlophe	-	"
(d) Mhawu Maziya	-	"
(e) Havelock Mkhathshwa	-	"
(f) Siphila Mbashayemahlatsi Magagula	-	"
(g) Gideon Gumedze	-	"
(h) Mario Masuku	-	"
(i) Zombodze Robert Magagula	-	"
(j) Mrs Lonkhululeko Ndzinisa	-	"
(k) Miss Veleleni V. Dlamini	-	"
(l) Gelane Zwane	-	"
(m) Mampondo Nzima	-	"
(n) Thomas Stephens	-	"
(o) Mphiwa Dlamini	-	"
(p) Mandla Thomas Dlamini	-	"
(q) Sonnyboy Zwane	-	"
(r) Jabulane Mkhonta	-	"
(s) Bheki Moses Maphalala	-	"
(t) Promise S'thembisio Msibi	-	"
(u) Elias Mahlalela	-	"
(v) Bongani Austin Dlamini	-	"
(w) Themba Msibi	-	"
(x) Dr. Jeremiah Gule	-	"

(y)	Mndeni Shabalala	-	"
(z)	Ngom'uyayona Gamedze	-	"
(aa)	Chief Fipha Dlamini	-	"
(bb)	Chief Solani Dlamini	-	"
(cc)	Dr. Fannie Friedman	-	"
(dd)	Nkonzo Hlatshwako	-	Secretary

(3) Members of the Commission shall be paid such allowances and expenses from the Consolidated Fund as may be deemed appropriate.

Functions and terms of reference of the Commission.

3. (1) The Commission shall, with the assistance of the Attorney-General and other constitutional experts, draft a new Constitution suitable for the Kingdom of Swaziland and in doing so, shall -

- (a) compile and document the current constitutional framework of the country and publish and circulate the same to all Tinkhundla Centres;
- (b) review the documents pertaining to the current constitutional framework together with the Independence Constitution with a view to obtaining any information, guidelines or principles that may be included in the new Constitution;
- (c) review any legislation, Decree or Proclamation which has a bearing on constitutional and human rights matters;
- (d) consider the Constitutions of other countries which the Commission may consider appropriate for the purpose of obtaining any information, guidelines or principles which may be included in the new Constitution;
- (e) consider the 1992 Tinkhundla Review Commission Report;
- (f) receive oral submissions, representations, and information from members of the general public on the matters covered in its terms of reference and for this purpose visit all Tinkhundla Centres to access such members; and
- (g) receive written submissions, representations and information from members of the general public on the matters covered in its terms of reference through its address, the Secretariat or at Tinkhundla Centres.

(2) Without prejudice to the generality of the foregoing, the Commission shall -

- (a) consider and provide for appropriate provisions and or entrenchments on the Monarchy, other Swazi traditional institutions, the three arms of Government, legislation, citizenship, the Public Service, Finance, the environment and natural resources (land & minerals) in the new Constitution;
- (b) examine and provide for fundamental human rights and freedoms of the individual and other rights in the new Constitution and for this purpose examine any legal instruments or documents that may contain them;

- (c) examine and determine the desirability of including principles of state policy in the new Constitution on certain vital matters affecting the people of Swaziland;
 - (d) consider and provide for appropriate constitutional mechanisms to amend the new Constitution; and
 - (e) ensure good governance, by including in the new Constitution such other issues as may be necessary or appropriate.
- (3) In the performance of its functions and in the exercise of its powers, the Commission -
- (a) shall invite such experts on Swazi Law and Custom as it deems necessary to assist it especially with issues relating to the Monarchy and Swazi traditional institutions;
 - (b) may invite other constitutional experts to assist it in its work;
 - (c) may, subject to this Decree, decide on the sequence in which it deems appropriate to carry out its mandate.

Representation.

4. Any member of the general public who desires to make a submission to the Commission may do so in person or in writing and may not represent any one or be represented in any capacity whilst making such submission to the Commission.

Evidence.

5. (a) Where circumstances require, the Commission may hear or receive certain evidence, submissions or representations pertaining to its terms of reference in camera;
- (b) Neither the Commission nor a member thereof shall hold any meetings to advocate or criticise the merits of any evidence, submission or representation made before the Commission.

Records of proceedings.

6. (1) The proceedings of the Commission shall be recorded in such manner and by such means as the Commission may determine;
- (2) Except for purposes of facilitating its work, the Commission shall not -
- (a) make available any of its records or documents to any person other than to a member of the Commission, the Attorney-General, experts assisting the Commission and members of the Secretariat;
 - (b) permit any other person other than a member of the Commission, the Attorney-General, experts assisting the Commission and members of the Secretariat to have access to any of its records or documents.

Oaths.

7. Members of the Commission, the Secretariat and any other person assisting the Commission shall, as applicable, take an oath or affirmation for the due execution of office and the maintenance of confidentiality in the performance of their duties.

Secretariat.

8. There shall be a Secretariat for the Commission provided by the Ministry of Justice.

Quorum.

9. The quorum of the Commission shall be more than half of its membership.

Rules of procedure.

10. Subject to this Decree, the Commission may determine its own rules of procedure.

Submission of Report.

11. (1) The Commission shall -

- (a) from time to time submit a progress report to the King on its work;
- (b) submit its final report to the King in writing within a reasonable time but in any case within a period not exceeding two years from the publication of this Decree.

(2) The Report shall comprise -

- (a) details of the work undertaken including all records of submissions, representations and opinions heard or received by the Commission;
- (b) a draft of the recommended Constitution.

Offences.

12. (1) No person may insult, disparage or belittle any member of the Commission, or obstruct, interrupt, hinder or prejudice an officer, member of the Commission or the Commission in the performance of its functions;

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding E5,000.00 (Five thousand Emalangeni) or to imprisonment for a period not exceeding 5 years (five years) or to both such fine and imprisonment.

Venue and address of the Commission.

13. (1) The address of the Commission shall be determined by the Chairman.

(2) The Commission shall conduct its sittings at such venue as the Chairman may determine.

THUS DONE AT LOZITH'EHLEZI THIS 22ND DAY OF AUGUST, 1996

MSWATI III
KING OF SWAZILAND

The Government Printer, Mbabane