



**CHAMBERS OF THE CHIEF JUSTICE OF SOUTH AFRICA
CONSTITUTIONAL COURT**

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07 APRIL 2022

**The Honourable Ms N Mapisa-Nqakula, MP
Speaker of the National Assembly
PO Box 15
CAPE TOWN
8000**

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Dear Madam Speaker

FILLING OF VACANCIES IN THE ELECTORAL COMMISSION

1. I refer to your letter dated 10 December 2021 on the above subject in which you advised me that Mr V G Mashinini's term of office as a Commissioner of the Electoral Commission will expire on 16 April 2022 and requested me to initiate the process for the filling of the vacancy that will arise upon the expiry of his term.

2. In terms of section 6 of the Electoral Commission Act, 1996 (Act 51 of 1996) the process that needed to be initiated for the ultimate filling of the vacancy is as follows:
 - (a) the Speaker of the National Assembly requests the Chief Justice to establish and convene a Panel to commence with the process of filling the vacancy;
 - (b) the Chief Justice establishes a panel comprising himself as the Chairperson of the Panel, the Chairperson of the South African Human Rights Commission, the Chairperson of the Commission for Gender Equality and the Public Protector.
 - (c) the Chairperson of the Panel, acting in accordance with section 6(4) and the principles of transparency and openness gives instructions for the publication of the notice calling for applications.
 - (d) upon receipt of applications, the Panel compiles a shortlist.
 - (e) the Panel conducts interviews and thereafter submits a list of recommended candidates to the committee of the National Assembly contemplated in section 6(2)(d).
 - (f) the Panel must submit a list of no fewer than eight (8) recommended candidates to the committee of National Assembly who then, from the list of recommended candidates, nominates a person and that person is then recommended by the National Assembly by a majority resolution, for appointment by the President.
3. Following upon your request, the post that will be vacant when Mr V G Mashinini's term of office expires was advertised and suitable candidates were invited to submit their applications. Altogether, forty-eight (48) applications were received.
4. The Panel established in terms of section 6(3) of the Electoral Commission Act, 1996 (Act 51 of 1996) charged with the responsibility of interviewing the candidates consists, as you know, of myself as the Chairperson, the Chairperson of the South African Human Rights Commission, Adv B Majola, the Chairperson of the Commission for Gender Equality, Ms T Mathebula, and the Public Protector, Adv

B Mkhwebane. That Panel subsequently met (virtually) and shortlisted 12 candidates for interviews. Unfortunately, three of the twelve candidates subsequently withdrew which left us with nine (9) candidates.

5. The Panel met on 01 April 2022 and interviewed nine (9) candidates. Bearing in mind the criteria in the Constitution of the Republic of South Africa, 1996 and the Electoral Commission Act, we unanimously decided to submit to you the following eight (8) recommended names which we submit in no particular order:

- (a) Mr J Bekebeke
- (b) Adv G C Chaplog-Louw
- (c) Adv E N Lambani
- (d) Ms N Maharaj
- (e) Mr V G Mashinini
- (f) Dr T N Mbete
- (g) Ms B Mbomvu
- (h) Mr M W Thango
- (i) Mr G M White

6. The following are some of the key features that emerged from the CVs and interviews of the eight candidates:

- (a) **Mr Justice Bekebeke**

Mr Bekebeke is a 61 year old male and holds a B. Proc (UWC) and LL B (UWC) and an LLM (Unisa). He is currently the Director-General; Office of the Premier, Northern Cape and has been since 2010. He has experience as an official within the Independent Electoral Commission since its inception in 1999 and has been

involved in voter education, in particular at youth level. He has been involved in electoral processes for more than 20 years and has served as an elections observer or technical advisor for elections on the continent and abroad.

During the interviews the Panel questioned Mr Bekebeke regarding previous proceedings brought against him by a subordinate in the Equality Court. In dealing with this matter, Mr Bekebeke provided us with a detailed response to the events. He was honest and forthright in his answers and was able to demonstrate that in the process the experience served as a learning opportunity and allowed him to grow and mature as a leader.

Mr Bekebeke was well prepared for the interview and demonstrated a clear understanding of the challenges within the Electoral Commission. He had well-thought-out proposals on how to deal with the challenges based on his previous experience in observing elections. He is well-grounded and, if he is appointed, his wealth of experience in management and governance will be an asset to the Commission. Given an opportunity, he would make a good Commissioner of the Electoral Commission.

(b) Adv Geraldene Carol Chaplog-Louw

Adv Chaplog-Louw is a 65 year old female and holds a BA in Political Science (UP) and an LLB (UP). She is an admitted Advocate. She is currently the Chief Audit Executive at the Independent Electoral Commission. She has authored and presented various papers on political party funding both locally and internationally.

Adv Chaplog-Louw is experienced in the working of the Commission and understands electoral matters which makes her a resource for the Commission. She has a clear understanding of the challenges within the Electoral Commission and also appears to be a consultative leader who believes in strategic partnerships. As Chief Audit Executive, she is familiar with, and, understands, the governance

environment within which the Commission functions. If appointed, she would make a good Commissioner of the Electoral Commission.

(c) Adv Edward Nkhangweleni Lambani

Adv Lambani is a 64 year old male and holds a B Proc (Unizulu), an LLB (UniVen), an LLM (Wits), an LLM (UJ) and a Bachelor in Practical Theology (Kingdom Tabernacle Bible College). He is the Registrar at the University of Venda. He has electoral experience as a result of his previous relationship with the Electoral Commission and has also observed elections in other jurisdictions, including Presidential elections in the United States of America.

Mr Lambani's previous experience as an election observer allowed him to clearly articulate challenges and provided practical solutions. He would be an asset, to the Commission, should he be appointed.

(d) Ms Nalini Maharaj

Ms Maharaj is a 47 year old female and holds a B Proc (UKZN) and an LLB (UKZN). She is an admitted attorney and has her own law firm, N Maharaj Attorneys Ishana Incorporated, which she founded in March 2001. She has qualifications in Financial Accounting for public entities and corporate governance from the University of South Africa. Ms Maharaj is also an accredited mediator with the Department of Justice and Constitutional Development.

Despite not having any direct experience in elections, Ms Maharaj was able to clearly identify challenges within the system and to articulate possible solutions. Her experience within the legal field was clearly demonstrated in her understanding of the legal framework within which the Commission operates. She has proven experience in strategic management. As a mediator, she will be ideally placed to

deal with disputes that arise during elections. The Panel believes that, if appointed, we feel she will be a good Commissioner and an asset to the Electoral Commission.

(e) Mr Vuma Glenton Mashinini

Mr Mashinini is a 61 year old male and holds the degree of Bachelors Commerce in Business Management with Double Major Management and Marketing (Curtin University; Western Australia) and a Program Management Certificate (American Graduate University). He is the current Chairperson of the Electoral Commission and has served in that capacity since 2015. The current recruitment process was triggered by the imminent expiry of his term of office as a Commissioner of the Electoral Commission. He has previously served as a Special Projects Advisor to President Zuma from 2012 to 2015. From 1998 to 2001 he served as the Deputy Chief Electoral Officer of the Independent Electoral Commission.

As Chairperson of the Commission, Mr Mashinini has acquired a wealth of experience about both National and Provincial Elections and the workings of the Commission. During his interviews, he was able to deal with various issues facing the Commission with clarity and confidence. This accords with what is to be expected from someone who has been within the electoral environment for more than two decades. He spearheaded the development of the 2020-2025 Strategic Plan for the Commission and, if reappointed, his experience and competence would enable him to make the much needed contribution to the Commission to ensure its successful implementation.

(f) Dr Sithembile Nombali Mbete

Dr Mbete is a 38 year old female and holds B Soc SC (UCT), B Soc SC (Hons) (UCT), M Soc SC (UCT) and a DPhil in International Relations (UP). She is presently a senior lecturer at the University of Pretoria. She is also the Director of

Programmes for Futurelect which delivers non-partisan leadership development and training programmes to diverse groups of ethical and innovative young leaders in Africa.

During her interview, Dr Mbete came across as a very articulate and confident person. She shared practical views on voter education and ensuring the participation of the youth in elections, something about which she is clearly very passionate. She was ambitious in her vision for the modernisation of the electoral system and displayed a balanced approach, given the realities within South Africa. Dr Mbete would bring fresh ideas to the Electoral Commission and would make a good Commissioner, if appointed.

(g) Ms Bongiwe Mbomvu

Ms Mbomvu is a 55 year old female and holds a B Soc Social Science (UCT), an LLB (UCT), and an LLM (Taxation) (UCT). She currently holds the position of Group Executive: Governance & Assurance at the Airports Company South Africa (ACSA) which she has held since 2013. She has previously been the interim CEO of ACSA. She has corporate governance experience stemming from her position of Group Company Secretary which she held in Eskom and Metropolitan. She has also served as a Council member of the Cape Peninsula University of Technology.

Ms Mbomvu was sound, balanced and objective. We were impressed with Ms Mbomvu's governance experience and her proven experience of developing and implementing enterprise risk management strategy frameworks, compliance management frameworks, policy assurance frameworks, strategies and policies to ensure efficiency in the organisations she has served. Her well-articulated capacity for planning and execution was easy to understand and practical. We believe that, if appointed, she would make a good Commissioner of the Electoral Commission.

(h) Mr Mfundo Wiseman Thango

Mr Thango is a 46 year old male and holds a Teacher's Diploma (Ntuzuma). He has experience in a regulatory body as he is a member of the KwaZulu Natal Liquor Authority. He is also a member of the National Disaster Relief Fund Board. He served as an Independent Elections Observer for the 2021 and 2016 local government elections.

During his interview, Mr Thango came across as articulate and confident. He would bring energy and enthusiasm to the Commission with the passion he displayed for ensuring that the youth are encouraged to participate in elections. His role as a board member in a regulatory body would stand him in good stead within the Commission.

Although Mr Thango's interview revealed certain weaknesses on his part, the Panel, nevertheless, believes that he is suitable for appointment and that is why it included him on the list. Nevertheless, the Panel took the view that, when compared with the other candidates, it would rank Mr Thango last on the list.

With kind regards,



R M M ZONDO

Chief Justice of the Republic of South Africa



SHORTLISTED CANDIDATES FOR ELECTORAL COMMISSION VACANCY: MARCH

2022

1. Mr Justice Bekebeke
2. Adv Geraldene Carol Chaplog-Louw
3. Mr Edward Nkhangweleni Lambani
4. Ms Nalini Maharaj
5. Ms Keitumetse Stella Mahlangu
6. Ms Princess Mangoma
7. Mr Vuma Glenton Mashinini
8. Dr Sithembile Nombali Mbete
9. Ms Bongiwe Mbomvu
10. Mr Sediko Daniel Rakolote
11. Mr Mfundo Wiseman Thango
12. Mr Gladwyn Martin White