

A 102

[102]

IRiphabliki YeCiskei  
I-Ofisi YeBhunga  
LoMbuso



Republic of Ciskei  
Office of the Council  
of State

P.O. Box 1, Bisho, Republic of Ciskei, Southern Africa. Telephone 0401-91415. Telex 25-0885CX Telefax No. (0401-91189)

14 July 1993

*Technical Committee  
Constitutional Issues*

Dear Sir

**RE: CISKEI GOVERNMENT SUBMISSIONS TO THE MULTI PARTY  
NEGOTIATING PROCESS**

I enclose herewith, for your information copies of the following submissions which were handed to the relevant Technical Committees of the Multi Party Negotiating Process earlier this month.

- Submission to the Commission on the Delimitation of Regions.
- Constitution of the Kei State.

Yours faithfully

M.B. WEBB

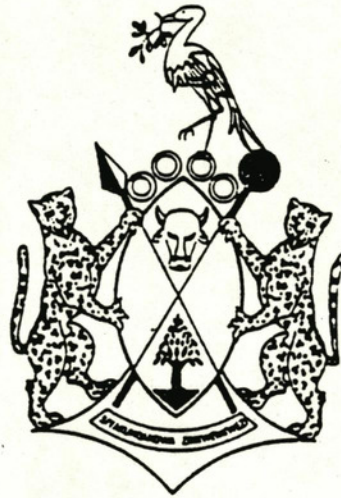
**MR M B WEBB  
CHIEF NEGOTIATOR  
CISKEI GOVERNMENT**

*Please note proposed  
Constitution for  
Federal State*

*[Signature]*

1275

# REPUBLIC OF CISKEI



## SUBMISSION TO THE COMMISSION ON THE DELIMITATION OF REGIONS

COUNCIL OF STATE  
P.O. BOX 1  
BISHO  
5608

# **SUBMISSION TO THE COMMISSION ON THE DELIMITATION OF REGIONS**

## **PROPOSAL FOR A KEI STATE**

- 1. Introduction**
- 2. Why Regional/Federal Government**
- 3. Proposed Boundaries of the KEI STATE**
- 4. Geographic Considerations**
  - 4.1 Historical Boundaries**
  - 4.2 Provincial Magisterial and District Boundaries**
  - 4.3 Geographic Coherence**
  - 4.4 Infrastructure**
- 5. Economic Aspects**
  - 5.1 Economic Functionality**
  - 5.2 Economic viability**
  - 5.3 Development Potential**
  - 5.4 Infrastructure**
    - 5.4.1 Physical Infrastructure**
    - 5.4.2 Social Infrastructure**
  - 5.5 Fiscal Capacity**
  - 5.6 The Necessity of limiting Financial and other costs  
as much as reasonably possible.**

- 6. Institutional and Administrative Considerations**
  - 6.1 The need or otherwise to rationalise existing structures - Ciskei/RSC's etc.**
  - 6.2 Administrative Considerations including the availability and non-availability of infrastructure and nodal points for services**
  - 6.3 The need to minimise the dislocation of services**
  - 6.4 The need to minimise inconvenience to the people**
- 7. Socio-Cultural Considerations**
  - 7.1 Demographic Considerations**
  - 7.2 Cultural and Language Realities**
- 8. Powers and Functions of the KEI STATE**
- 9. A Constitutional Proposal for the KEI STATE**
- 10. Conclusion and Recommendation.**

## 1. INTRODUCTION

The Ciskei Government, aware of the inadequacies of the present geographic and economic foundations of the Republic of Ciskei, seeks in this presentation to promote a realistic and well-founded proposal for a future Kei State. Experience has taught us that sound social, economic and administrative considerations, and not short-term political objectives, should be the over-riding considerations in the determination of appropriate regional boundaries. This presentation seeks to analyse the relevant considerations, and draw conclusions on boundaries which will serve the best interests of the people of the region.

## 2. WHY REGIONAL/FEDERAL GOVERNMENT

At a national level, the Ciskei Government believes that much of the political tension presently experienced in the country can be dissipated by vesting optimal legislative and administrative powers in the regions, thereby reducing the intensity of political and executive concentration at the centre.

There exists along the eastern seaboard a sense of political neglect by virtue of distance from the centre of power. The establishment of regional and local governments with appropriate powers will increase opportunities for democratic participation by the people, while rendering government more accountable by bringing it closer to the people.

A federation is per definition the type of government to provide opportunities for the accommodation of regional diversity which may otherwise be ignored in a centralised system; particularly where the re-incorporation of the TBVC countries is concerned, this will provide a localised administrative vehicle for the rationalisation and accommodation of disparities and systems which have developed, and provide opportunity for development strategies designed to meet the needs and aspirations of specific communities.

The Ciskei has at all times favoured the decentralisation of power to autonomous regional states within a federal or confederal form of government. The success of a future United Southern Africa will depend on the successful formation of cohesive regional structures which have the capacity to generate a basic economy capable of providing for the populations fundamental basic social needs.

It is an established fact that Ciskei and adjacent Border/East Cape area has been economically depressed for many years and it is vitally necessary that these separate entities should seek to determine their own needs and formulate regional plans to stimulate economic development. This process of regional self determination will be crucial for the future of the region and will need to be negotiated for in the new constitutional dispensations.

### 3. PROPOSED BOUNDARIES OF THE KEI STATE

South Africa's traditional administrative regions should not be overlooked in favour of the 9 Development regions in the Delimitation/Demarcation process. South Africa enjoys the benefit of strong traditional, historical and natural regions which could satisfy the criteria for optimal regionalism. Strong evidence of their suitability is that they have been used throughout South Africa's history as the basis for the regional organisation of sports, cultural, political, civic, educational and other civil society purposes.

The traditional regions comprise a number of magisterial districts which have a tried and tested, non-racial, non-ideological historic

"Logic". The well defined magisterial boundaries are the natural basis for the boundaries of the regions within which they fall. These magisterial districts have emerged over the centuries for sound administrative, judicial and other reasons.

They have stood and been adjusted in response to the test of time. Magisterial districts or groupings thereof could and should therefore be used as the starting point for the demarcation of regional boundaries.

Whilst South Africa's recognised traditional regions and sub-regions differ for certain purposes and in fact sometimes two or more might be combined into a bigger region, which could also be considered, some regional communities might consider some of these regions to consist of distinctive sub-regions.

They certainly would satisfy the following criteria which should be considered to achieve the real benefits of regionalism:-

- i) To be sufficiently numerous to reflect and accommodate real traditional, geographic, cultural, political, economic, historic, linguistic development and other diversities.
- ii) That areas are readily identifiable for ordinary South Africans.
- iii) That are ideologically, racially and politically sufficiently neutral so as to be conflict reducing.

The proposed boundaries for the KEI STATE have been drawn along the traditional boundaries of the magisterial districts as shown in Diagram 1. Table 1 indicates the magisterial districts included as well as the land areas and the respective populations.

The Development regions as a departure point presents certain problems in not satisfying the abovementioned criteria. The KEI STATE could

be sub-divided into functional sub-regions as shown on Diagram 2 (source CIA 1990). This Demarcation is in accordance with the criteria as used in DBSA publications Economic and Social Memorandum for Region A, B and D. The objective of the DBSA assignments were to gain knowledge concerning the relative development strengths and weaknesses of the Development regions. The divisions could have been achieved by utilizing several different criteria all of which could have resulted in different demarcations. The main objective of the study was to maximise transactions within the boundaries of the sub-regions as far as possible and the criteria applied where:-

- i) Geographic Location
- ii) Nodal Points
- iii) Availability and comparability of data
- iv) Population
- v) Nature and Scope of economic activity
- vi) Labour Flows.

The KEI STATE could be sub-divided into sub-regions using the present demarcation of the Regional Services Councils as the point of departure. This method has a great deal of logic and is shown on diagram 3.

The Major Commercial Centres of the State are:-

Port Elizabeth  
East London.  
Queenstown

The proposed Legislative and Administrative centre of the State is:-

Bisho.

The Sub-regional centres with devolved administrative functions are:-

KS1	-	Uitenhage
KS2	-	Graaf Reinet
KS3	-	Aliwal North
KS4	-	Queenstown
KS5	-	King William's Town/Bisho.

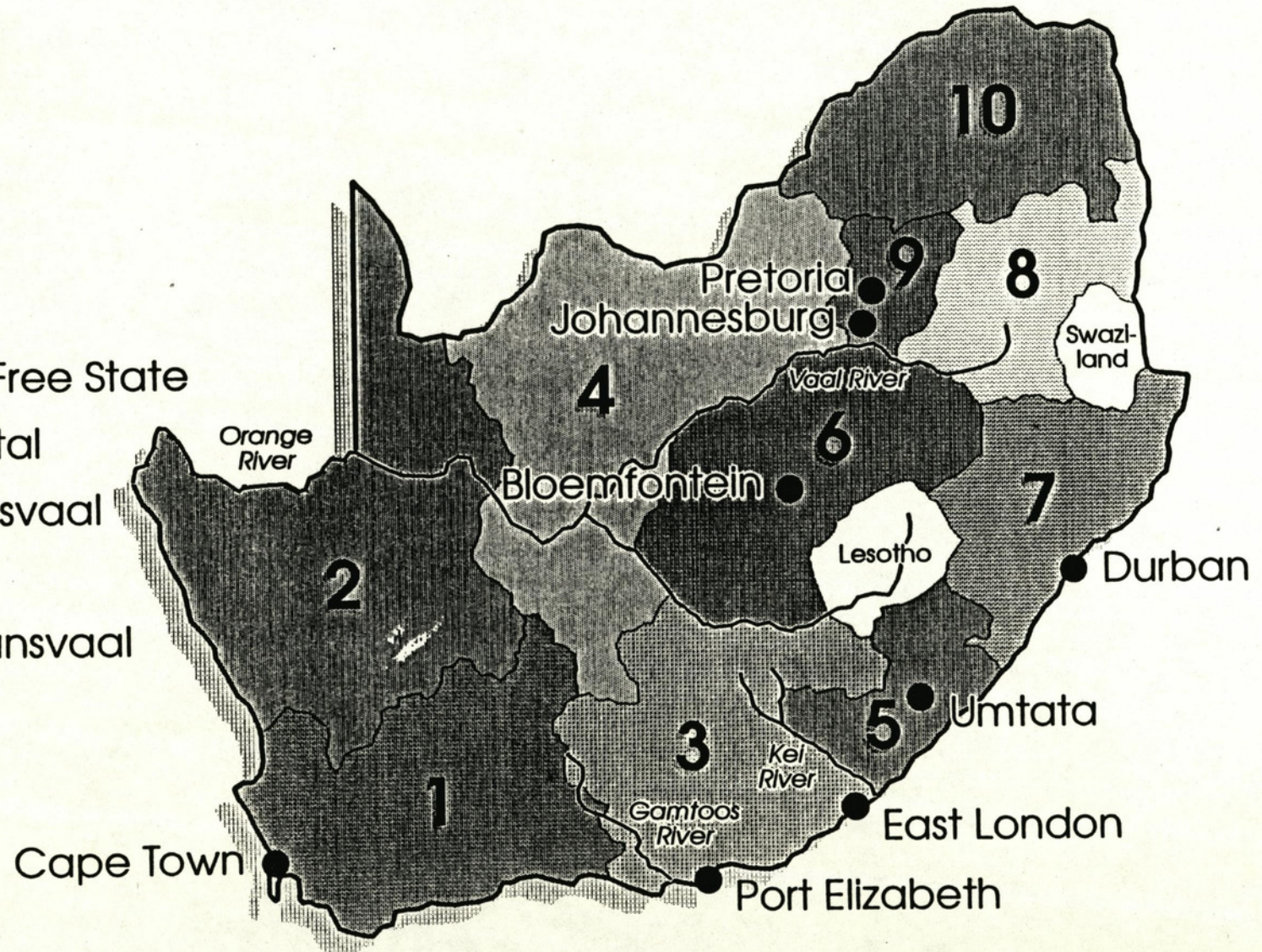
Judicial Centres:-

Grahamstown - Supreme Court  
Bisho - Local Division  
Port Elizabeth -Local Division.

# CISKEI

## 10 Federal State Proposal

- 1 Cape
- 2 Oranje
- 3 Kei
- 4 Satswa
- 5 Transkei
- 6 Qwaqwa / Free State
- 7 Kwazulu Natal
- 8 Eastern Transvaal
- 9 PWV
- 10 Northern Transvaal





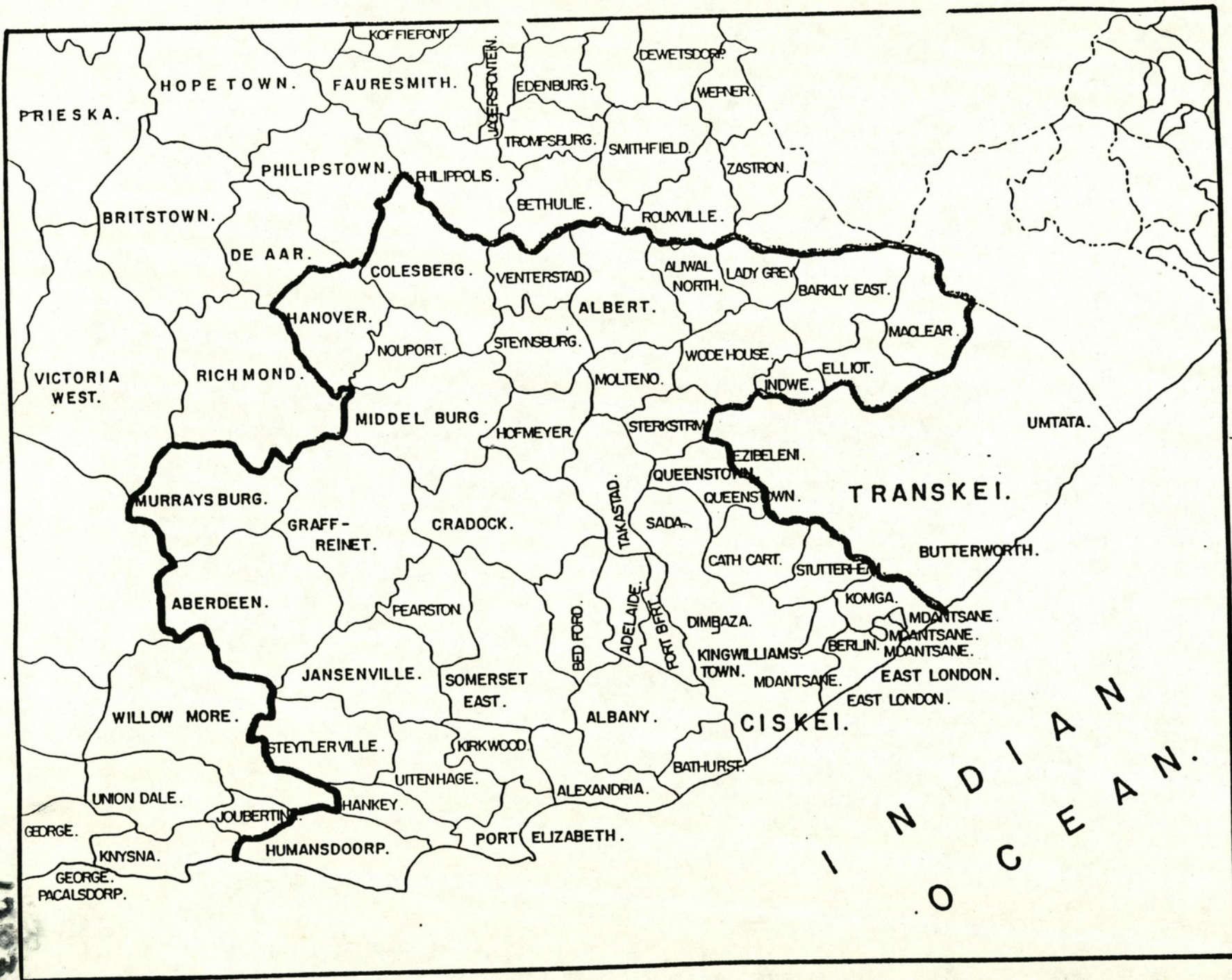


DIAGRAM 1  
PROPOSED KEI STATE

1283

TABLE 1. Characteristics of the Magisterial Districts

MAGISTERIAL DISTRICT	SUB REGION	POPULATION	AREA Sq Km	GGP R/1000	GGP/CAPITA R/1000
Adelaide	1	17351	1892	37778	2.18
Albany	1	94586	4405	326325	3.45
Alexandria	1	32167	2440	71533	2.22
Bathurst	1	35086	1471	53598	1.53
Bedford	1	15950	2608	33942	2.13
Fort Beaufort	1	32711	968	77865	2.38
Hankey	1	25443	1632	94928	3.73
Humansdorp	1	42461	3730	141119	3.32
Kirkwood	1	37962	2274	80170	2.11
Mpofu	1	9145	728	12576	1.38
Peddie	1	71754	1759	76985	1.07
Port Elizabeth	1	692849	1390	5059343	7.30
Uitenhage	1	172066	2523	992395	5.77
Victoria East	1	66402	1015	91080	1.37
Aberdeen	2	8018	6866	36137	4.51
Colesberg	2	17500	5322	72900	4.17
Cradock	2	40831	5939	156978	3.84
Graaf-Reinet	2	34559	6786	129767	3.75
Hanover	2	5700	3680	11700	2.05
Hofmeyer	2	6726	2380	6487	0.96
Jansenville	2	10698	4584	47565	4.45
Middelburg	2	21834	5742	81657	3.74
Murraysburg	2				
Noupoort	2	12200	1461	57400	4.70
Pearston	2	4681	2577	14396	3.08
Steytlerville	2	6015	3623	20249	3.37
Albert	3	21439	3898	54638	2.55
Aliwal North	3	28905	2002	102556	3.55
Barkly East	3	13921	3644	61373	4.41
Elliot	3	15006	1810	50292	3.35
Herschell	3	117305	1578	93691	0.80
Lady Grey	3	8598	1422	16690	1.94
Maclear	3	21548	2401	34271	1.59
Steynsburg	3	8896	2722	25668	2.89
Venterstad	3	5735	2155	11718	2.04
Hewu	4	95194	1450	95395	1.00
Indwe	4	10854	813	13327	1.23
Molteno	4	11556	1880	28647	2.48
Ntabthemba	4				
Queenstown	4	53610	2043	337982	6.30
Sterkstroom	4	9431	1686	23014	2.44
Tarkastad	4	9209	3196	23734	2.58
Wodehouse	4	15550	2950	38864	2.50
Catcart	5	16272	2546	37662	2.31
East London	5	208611	1507	2344062	11.24
Keiskammahoek	5	40104	659	55532	1.38
King Williams Town	5	29779	721	253194	8.50
Komga	5	17102	1421	35960	2.10
Mdantsane	5	212127	450	567141	2.67
Middlesdrift	5	51817	719	38255	0.74
Stutterheim	5	40086	1551	63077	1.57
Zwelitsha	5	257035	1320	354926	1.38

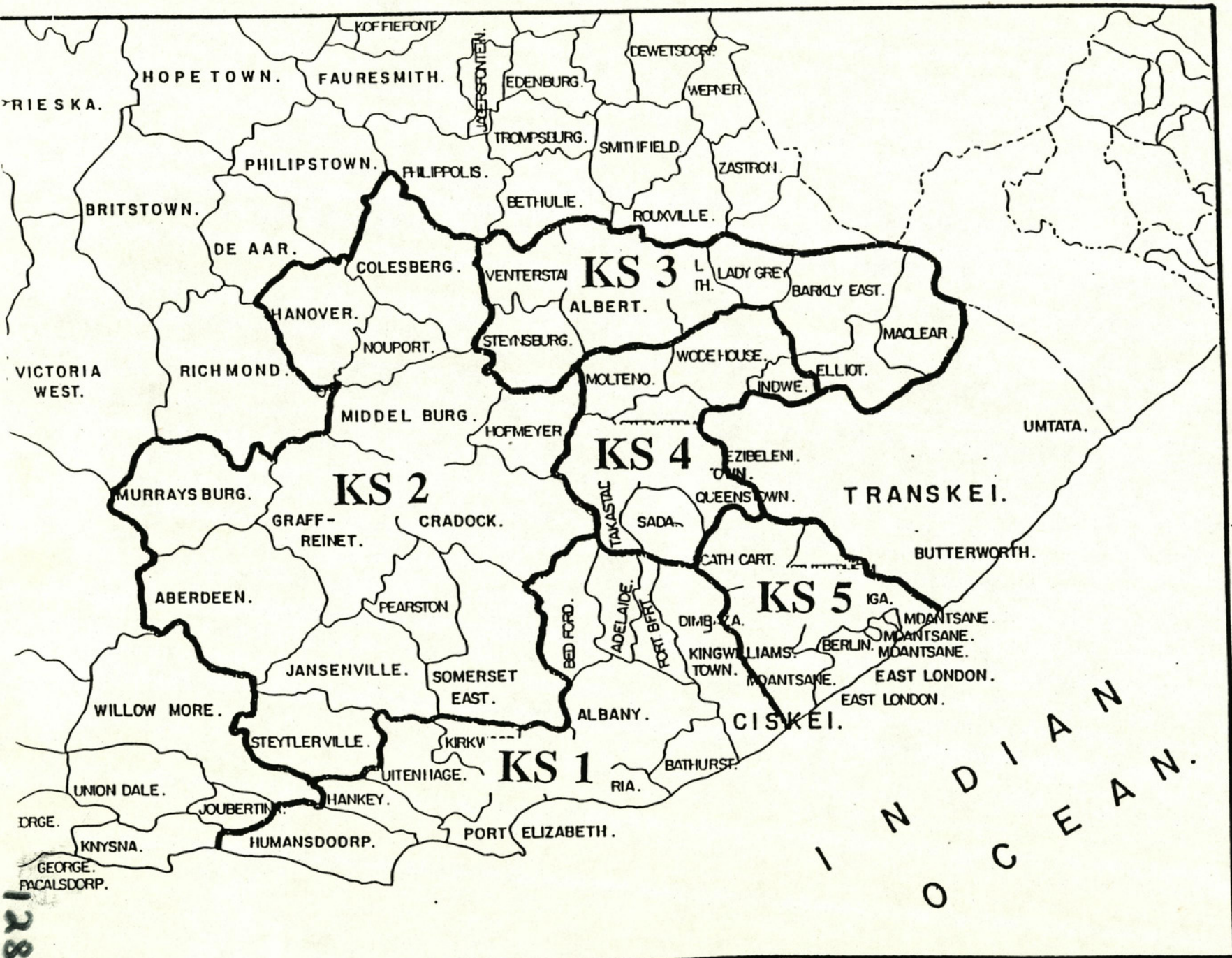
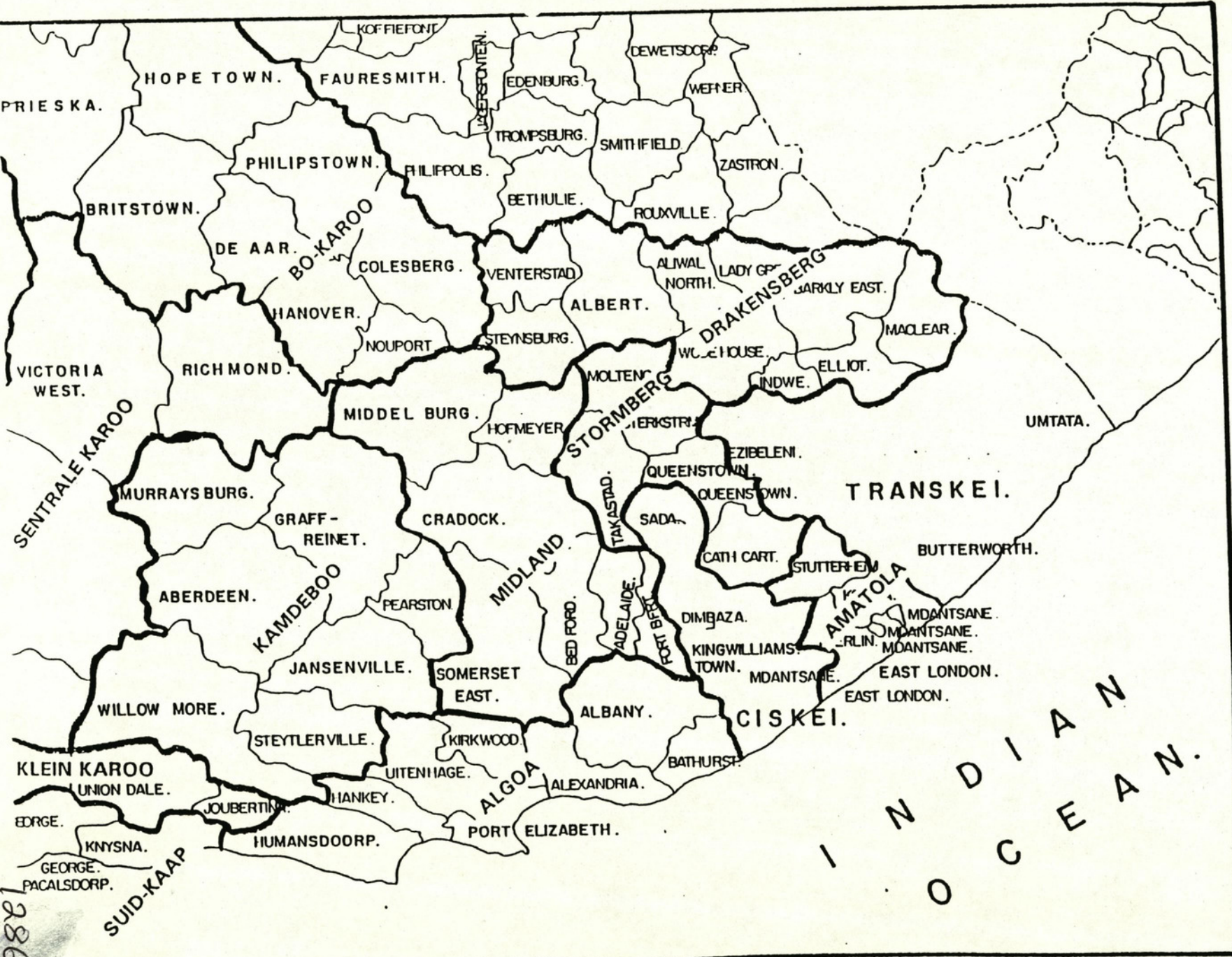


DIAGRAM 2  
FUNCTIONAL SUB-REGIONS

1285



REGIONAL SERVICE COUNCIL BOUNDARIES  
 DIAGRAM 3

9881

## 4. GEOGRAPHIC CONSIDERATIONS

### 4.1 Historical Boundaries

#### 4.1.1 Introduction

Historically, a number of boundaries have been established at various places in what is now the southern and the eastern Cape since the advent of the colonial era. Generally speaking, the boundaries of the Cape moved eastwards as white colonisation expanded from the Peninsula. In the process, various magisterial district and sub-district boundaries were defined and two separate political units were established in the area between the Kei and Keiskamma rivers. These are described in some detail below in roughly chronological order.

It should be mentioned that history provides an exceedingly poor basis for territorial claims as any justifications based on history inevitably contain inherent contradictions. Historical boundaries tend to overlap at different times and one has to freeze history at a particular point to prove a claim. Counter claims can easily be made simply by freezing history at another point.

#### 4.1.2

#### Political and Administrative Boundaries on the Cape's Eastern Frontier

##### 4.1.2.1 The Cape, 1743

As most school children know from their school history, permanent white settlement at the Cape originated with the Dutch under Jan van Riebeeck. The expansion of white stock farmers, the so-called trekboere, in the eighteenth century expanded the Cape settlement northwards and eastwards.

The first tentative attempts by the Dutch authorities to define an eastern boundary of any significance appears to have been in November 1743 when the eastern boundary of the newly-established sub-droesty of Swellendam (as it was later called) was set out as the opposite bank of the Brak River up to and beyond Mossel Bay.

4.1.2.2 The Cape, 1770

On 13 February 1770 the Dutch authorities redefined the eastern boundary of the Swellendam district as the Gamtoos River. In effect, the eastern boundary of the Cape followed the Gamtoos from its mouth to the confluence with the Groot River and the Groot River to its source in the Nuweveld mountains. On the other side of the mountains the Cape's boundary consisted of the eastern portion of the Stellenbosch district, which was roughly defined as the Bruintieshoogte area (near present day Somerset East).

4.1.2.3 The Cape, 1775

On 27 December 1775 the Cape's eastern boundary was again shifted eastwards. Swellendam's eastern border became the Bushman's River and that of the Stellenbosch district became the Upper Fish River.

Drawn on modern maps, this boundary would run from the mouth of the Bushman's River to the confluence with the New Year's River. It would follow the latter for some distance before swerving directly towards the confluence of the Little Fish and the Great Fish rivers. From there it would follow the latter to its source.

4.1.2.4 The Cape, 1778 and 1785

In 1778 Governor van Plettenberg toured the eastern Cape. On 14 November 1780 the Cape's boundary was shifted eastwards to the Fish River. In 1785 the Graaff-Reinet district was carved out of the eastern portions of the Swellendam and Stellenbosch districts. In the process the northern part of the Cape's eastern boundary was extended. The 1785 border ran from the mouth of the Fish River to its confluence with the Baviaans River, from there it followed the Tarka (actually a tributary of the Tarka, the Suurvlaktespruit) to an undefined northern area.

4.1.2.5 The Cape Colony, 1798

When the British took over the Cape they attempted to define boundaries in some detail. On 14 July 1798 Governor Macartney issued a proclamation that largely confirmed the 1785 boundary, except in so far as it followed the Fish River from the Indian Ocean to the Esterhuis Poort, just south of the confluence with the Baviaans River. Where the 1785 boundary had followed the Baviaans, the 1798 one ran along the Kagaberg to the Tarkaberg north of the Winterberg.

4.1.2.6 The Eastern Frontier, 1799

In 1799, in terms of the peace after the third frontier war, during which the Xhosa raided as far as west as the Tsitsikamma forest, the Xhosa were allowed to remain in the region between the Bushman's and Sundays rivers, although the boundary was still technically the Fish River.

4.1.2.7 The Neutral Territory, 1811 - 1812

Between 1811 and 1812 the British systematically tried to force the Xhosa out of the Zuurveld, the area west of the Fish River. In the period 1813 to 1819 the Xhosa repeatedly attempted to return to this area. In the process the district of Uitenhage was created.

4.1.2.8 The Neutral Territory, 1819

In 1819, following the fifth frontier war, Governor Charles Somerset forced an arrangement on the Xhosa whereby they would cede the territory between Fish-Baviaans and the Keiskamma-Tyhume rivers. This was supposed to be the so-called neutral territory or ceded territory. In effect it meant that the boundary of the Cape was the Keiskamma and Tyhume rivers. The Cape was allowed to encroach on the neutral territory such as in 1824, when the

Albany district was formed, land around the Koonap River was included. In 1829 this was extended to include the Kat River area.

4.1.2.9

Victoria East and the Province of Queen Adelaide, 1835

In 1833 the British enforced a minor adjustment of the Cape's eastern boundary along the Mgwali River in the Tyhume valley. In 1835, after the sixth frontier war Sir Benjamin D'Urban extended the boundary of the Cape eastwards by establishing the district of Victoria East in the so-called neutral territory. At the same time he created the separate colony of the Province of Queen Adelaide in the area between the Kei and Keiskamma rivers incorporating the present day Ciskei.

The eastern boundary ran along the western bank of the Kei River from the mouth to the source in the Stormberg. At the same time new areas north of this were added to the Cape, not the Province of Queen Adelaide. The latter did not meet with approval in Britain and in 1836 the boundary reverted to the Keiskamma and Tyhume rivers.

4.1.2.10

British Kaffraria

In 1847, following the seventh frontier war the territory between the Keiskamma-Tyhume rivers and the Kei River was again taken over by the British, this time as the Crown Colony of British Kaffraria. The eastern boundary followed the Kei from its mouth along the Black Kei and Klipplaats rivers. The area north of the Black Kei up to the Stormberg was made part of the Victoria East district of the Cape Colony. British Kaffraria existed as a separate colony until 1866 when it was incorporated in the Cape Colony.



4.1.2.11 The Trans-Keian Region, 1879 - 1894

The annexation of the Trans-Keian territories was effected in a piecemeal fashion up to 1894. Fingoland, the Idutywa Reserve and Nomansland (later called Griqualand East) were annexed to the Cape Colony in 1879. In 1884 Port St Johns was annexed. Tembuland, Emigrant Tembuland Gcalekaland and Bomvanaland followed in 1885. The Xesibe country and the Rhode area followed in 1886 and 1887. In 1894 the last independent polity in the Trans-Kei, Pondoland, was annexed to the Cape Colony.

4.1.2.12 The Union Boundaries, 1910

Following the Union of South Africa in 1910 the areas now known as the Ciskei, the Transkei and Griqualand East were incorporated as integral parts of the Cape Province, just as they had been administered as parts of the Cape Colony up to then. Only in 1913, with the 1913 Natives Land Act, was attention given specific areas for blacks. But in this, too, the areas on either side of the Kei River were treated in the same manner but never as a unit.

4.1.2.13 Original borders of the Ciskei

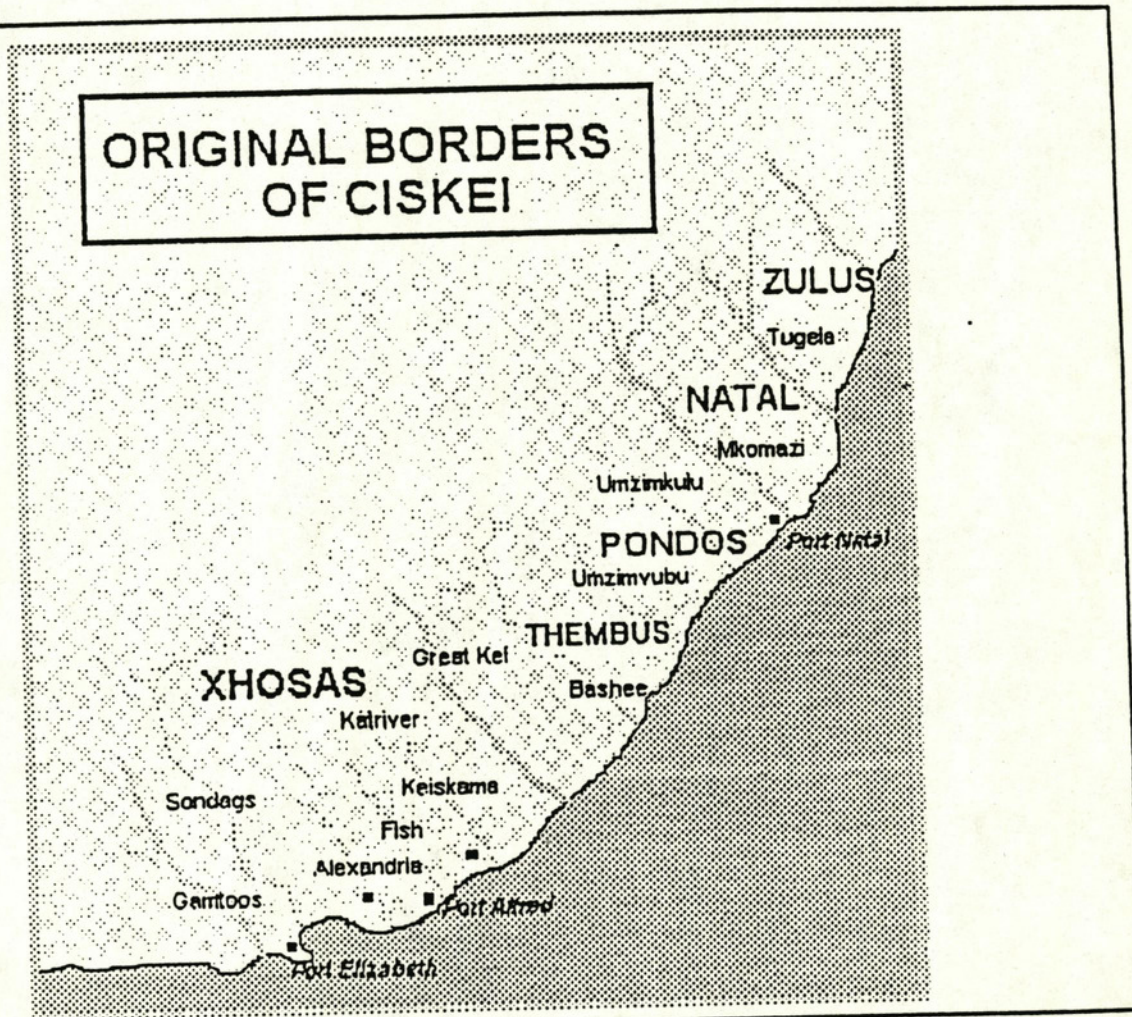
Early in the 18th Century Rharhabe decided to find a new home south of the Great Kei, after he had supported his father Phalo, paramount Chief of the Xhosa people, and defeated his brother Gcaleka, the rightful successor, who tried to usurp Phalo's position whilst he was still alive. Thus the Xhosa people were divided into three separate states of Kwa Zulu, Transkei and Ciskei.

The original borders of the Ciskei are shown on diagram 4.

4.2 Provincial Magisterial and District Boundaries

The proposed Kei State is composed of magisterial districts presently falling within the jurisdiction of the Eastern Cape

DIAGRAM 4  
ORIGINAL BORDERS OF THE CISKEI



Division of the Supreme Court of South Africa, and those falling within the Republic of Ciskei. Historically, all the districts in question fell within the area of jurisdiction of the Eastern Cape Court and their accommodation in the Kei State would accordingly amount to a restoration of a previously existing situation.

It is considered important to base the proposal on magisterial districts in this manner, as the districts have practical implications, both juristically and administratively, for the people who live in them.

The existing Regional Service Council boundaries generally follow the old Divisional Council boundaries which are comprised of a number of Magisterial districts. These boundaries are shown in diagram 3.

#### 4.3 Geographic Coherence

The proposal for the Kei State is intended to create a compact non-fragmented region in the real sense of the word. Thus creating a coherent unit. The region encompasses what is traditionally known as the Eastern Province, Border, North Eastern Cape and Ciskei. The region will have a land area of 124 648 sq.km or 10,2 % of the total area of the country.

In terms of administrative coherence the region will be easy to manage and will lead to a leaner civil service. Thus reducing the burden on the taxpayer. The region is heterogeneous in character as far both the institutional and socio-economic features are concerned. The region at present has two distinct administrative entities, the Republic of Ciskei and a substantial part of the Cape Province of the RSA. The socio-economic characteristics of the two areas is reflected in the following table 2.

TABLE 2 : SOCIO ECONOMIC INDICATORS

INDICATOR	KEI STATE	SOUTH AFRICA
Area(sq.km)	124 648	1 220 088
Population('000)	2 834	37 080
Annual Growth(% 1980-89)	1,8	2,85
Functional Urbanisation(%)	87	65
Density(persons/sq.km)	22,7	30,4
Nominal GGP/sq.km(R)	105 250	169 617

While the populations of the Cape area is 40 % greater than that of the KEI STATE the functional urbanisation rates of the two areas are similar being 89 % and 85 % respectively (figures include peri-urban and semi-urban areas). The population densities of the two portions are varied with the Cape portion

having a density of 16 persons/sq.km while the Ciskei has a density of more than 99 persons/sq.km.

The inclusion of the two metropolises Port Elizabeth/Uitenhage and East London/King William's Town should be seen as a valuable potential resource base for the adjacent rural areas and also ensures a good Urban/Rural Balance for the region.

#### 4.4 Infrastructure

The physical infrastructure of the region is critical to the development potential and the economic functionality as it impacts on both production and consumption costs. The existing infrastructure is effective and efficient in terms of promoting intra and interregional linkages. This impacts positively on the quality of life in the region.

The quality of social infrastructure in the region also impacts on the quality of life and therefore the regions economic viability and development potential.

Both physical and social infrastructure will be covered in greater detail in section 5.4.

It must be borne in mind however that the logic of power grids and large scale projects for water provision should not be inhibited by the demarcation of boundaries. The regions must at all times ensure the efficient utilization of the national resources and the provision of services.

By comparison, the regional infrastructure of the proposed new state can be said to be of an extremely high standard and well developed. This is particularly true in respect of road and rail communications and the region possesses two excellent harbours as well as 3 major airports. East London, Bisho and Port Elizabeth airports are little over an hours flight from Jan Smuts airport in Johannesburg and all other major destinations within the area can be reached within 2 to 2.5 hours of motor travel on tarmacadimised roads.

## 5. ECONOMIC ASPECTS

### 5.1 Economic Functionality

The economic functionality which relates to the level of interaction between components within the region as measured by the flow of goods and services, labour flows and to an extent by the market areas for the production sector is seen as being the most important economic aspect to be taken into account in justifying the establishment of the KEI STATE.

The proposed region comprises an area of 124 648 km which is 10,2% of the total land area of South Africa.

As far as scenic potential is concerned, several areas are well suited to tourism, such as the mineral baths, the beautiful mountains and the scenic coastal towns. There are also several nature reserves and trails.

On the infrastructure side attention has been given to the provision of water and most of the other infrastructural difficulties can be overcome through sound planning.

The inclusion of the two ports in the area which serve the two major economic corridors of Port Elizabeth/Uitenhage and East London/King William's Town/Dimbaza will improve the economic functionality of the region. Particularly with regard to the existing motor industry and the development of the export orientated manufacturing industry.

### 5.2 Economic viability

The economic viability of the region is not seen/deemed to be one of the critical factors in determining the boundaries of the region. It will in any event not be possible to equalise the regions in South Africa in terms of ensuring that every region has an adequate economic and fiscal base. This largely due to the very uneven distribution of resources in South Africa. So clearly some regions will have greater economic potential than others.

What will however be important, is to give attention to developing a mechanism at a central level to ensure a fair allocation of revenue to the poorer regions. Demarcation/Delimitation of the region on the basis of economic viability would also affect the economic functionality and the potential of the region in nurturing economic viability in the future.

### 5.3 Development Potential

The goal of Development is to improve the quality of life and the standard of living of the inhabitants of the region/state.

Together with the inclusion of the two port of Port Elizabeth and East London and the well developed infrastructure, the Kei State will have the ability to improve on its development potential by:-

- maximising the use of semi-skilled human resources;
- developing an export orientation to overcome the geographic disadvantage of the major RSA market locations;
- attracting national and international capital and technology;
- making the best use of the regional infrastructure.

The most appropriate focus will be on the export-orientated manufacturing industry which has high multiplier and linkage effects.

The importance of manufacturing in the region is shown in Table 2 below.

TABLE 2 : COMPOSITION OF GROSS GEOGRAPHIC PRODUCT BY TYPE OF ECONOMIC ACTIVITY

ECONOMIC ACTIVITY	KEI STATE	SOUTH AFRICA
Agriculture	10,0	6,6
Mining	0,1	12,9
Manufacturing	23,3	23,6
Electricity	3,0	4,6
Construction	3,8	3,4
Commerce	11,0	11,4
Transport	12,4	8,8
Finance	11,7	11,5
Community & Social Service	24,7	17,2
	100,0	100,0

(Source Ciskei NDP 1992)

During 1990 an extensive investigating (by Deloitte Touche) into the economy of the region revealed that the sectors that offered the greatest development potential to the region in terms of

stimulating long term growth creating employment in the short and the long term and improving the quality of life of the population through increasing household incomes were:-

- Manufacturing sector
- Agriculture sector
- Tourism sector
- Informal sector

By means of both a quantitative and qualitative assessment of all of the industrial sectors and the relative sector productivity the following five target industries have been identified:-

- pottery
- leather
- clothing
- electrical machinery
- fabricated metals

Small business and the informal sector can play an important role in the development of these industries particularly pottery, clothing and leather.

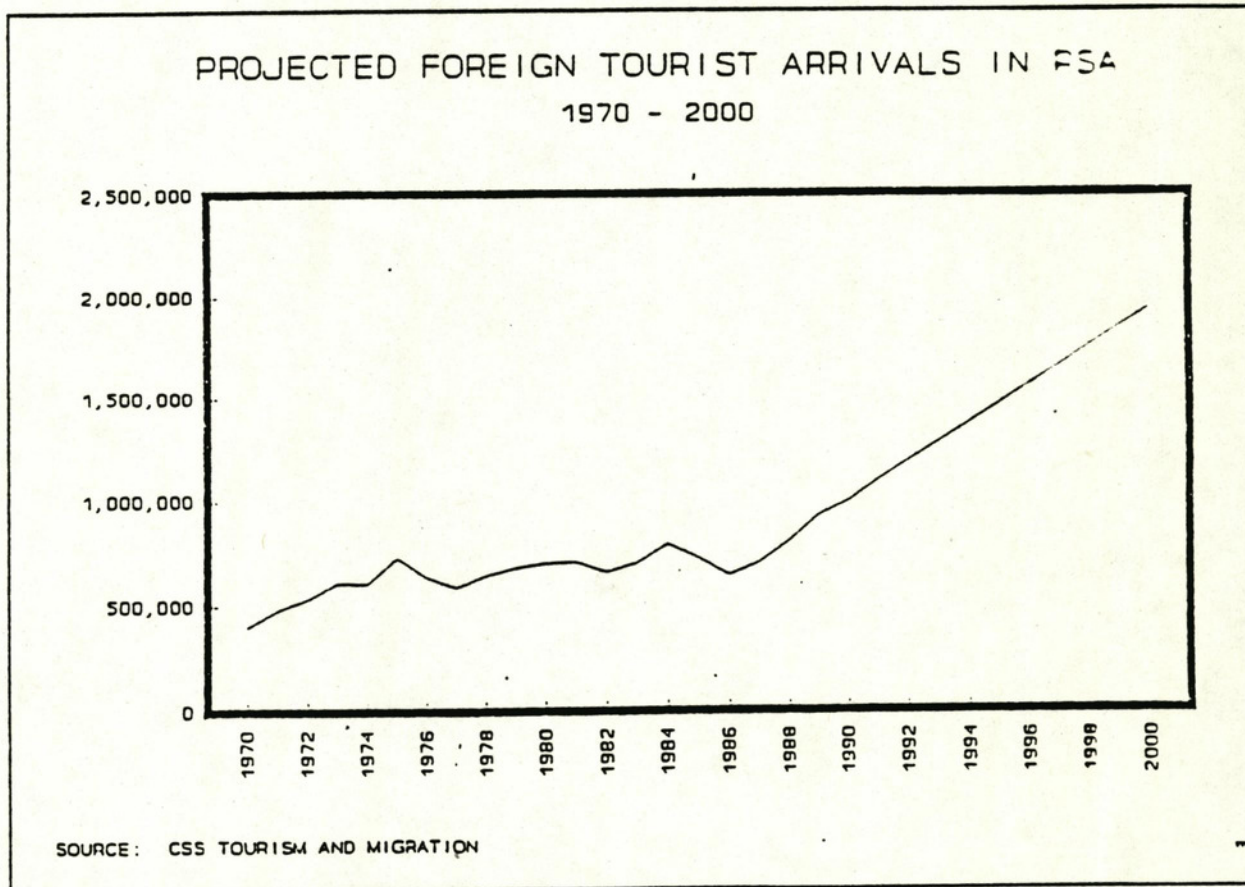
Tourism worldwide is the world's largest industry and employer with turnover of 3.1 billion (1992) which is 5.5% of the worldwide GNP and 130 million people (1992) employed in the industry. While adverse economic factors do have an input on the economy the potential to upgrade and further develop the tourism industry in the region is huge. Figure 1 illustrates the preferred destinations of tourists to South Africa.

TABLE 3 : TOURISTS TO RSA - PREFERRED DESTINATIONS

FOREIGN TOURISTS	MIDDLE/UPPER INCOME TOURIST	LOWER/MIDDLE INCOME TOURIST
Johannesburg Cape Town Durban Game Reserve Pretoria Port Elizabeth Garden Route Drakensberg East London Zululand	Cape town Durban Kruger Park Eastern transvaal Namibia Drakensberg Knysna Port Elizabeth	Cape town Durban Johannesburg Visit Family East London Game Reserve Port Elizabeth

If one considers the projected foreign tourist arrivals in the RSA as shown in Diagram 5 below, the potential impact that the development of the game reserves in the region and the upgrading of facilities in Port Elizabeth and East London should not be underestimated.

DIAGRAM 5 : PROJECTED FOREIGN TOURISTS IN RSA (1970-2000)



Agriculture contributes some 10% to the regions G.G.P Agriculture is one of the most labour intensive sectors with an enormous potential for employment creation. In 1989 for every R1M contributed to the G.G.P the sector employed 100 people. This does not take into account the effects of inter-industry linkages. The existing infrastructure and the comparative advantage which the region has in this section should be further exploited.



**17. Territory**

- (1) The territory of the Kei State shall be comprised of the districts mentioned in Schedule 1.
- (2) The boundaries of the Kei State may be adjusted in consequence of negotiations with neighbouring member states within the Federal Republic of South Africa, and with the Federal Republic of South Africa : Provided that, where a proposed boundary adjustment entails the exclusion of the district in question from the Kei State, no such adjustment shall take place unless such adjustment has obtained the support of the majority of those voting in a referendum conducted amongst all citizens of the Kei State entitled to vote and domiciled in the district in question.

**18. Relationship with the Federal Republic of South Africa**

- (1) The Kei State is a sovereign member state of the Federal Republic of South Africa.
- (2) The Kei State shall recognise and uphold its obligations towards the Federal Republic of South Africa and the other member states of the Federal Republic of South Africa and the other member states of the Federal Republic of South Africa insofar as such obligations do not infringe upon the rights, freedoms and powers guaranteed by this constitution to citizens of the Kei State and to the Kei State.

- (3) The sovereignty of the Kei State as asserted by and under this constitution is inalienable and untransferable.

#### 19. Symbols of State

The coat of arms, anthem and flag of the Kei State shall be determined by a law adopted by two-thirds of those voting thereon in the Legislative Assembly.

#### 20. Federal law

All statutes and regulations lawfully adopted by the Federal Republic of South Africa and principles of international law as recognised by the Federal Republic of South Africa shall be of full force and effect in the Kei State insofar as they are not in conflict with the provisions of this constitution.

### CHAPTER 3

#### DIVISION OF GOVERNMENTAL POWERS

#### 21. Powers of the Federal Republic of South Africa

- (1) In accordance with the principles of this constitution, the Kei State recognises and upholds the power of the Federal Republic of South Africa to exercise exclusive legislative, administrative and judicial functions and powers in the following matters :

- (a) the monetary system, and foreign exchange and convertibility ;
- (b) external customs, tariffs and foreign trade ;
- (c) international relations ;
- (d) nationality, immigration, emigration, and the right of asylum ;
- (e) defence against foreign enemies ;
- (f) the structure and administration of the federal system of justice ;
- (g) the structure and control of the federal public service ;
- (h) the enforcement of federal law ;
- (i) general principles regarding population development ;
- (j) general principles regarding uniform educational standards ;
- (k) general principles regarding health services ;
- (l) federal official languages ;

- (m) agriculture economics and marketing ;
- (n) population registration ;
- (o) federal road and rail transportation ;
- (p) general principles regarding energy resources ;
- (q) general principles regarding radio and telecommunications services ;
- (r) admiralty and maritime law and regulations ;
- (s) air transportation law and regulations ;
- (t) general principles regulating banking, credit and insurance ;
- (u) general principles regulating environmental protection ;
- (v) general principles for the co-ordination of economic development and commercial co-operation amongst member states ;
- (w) the protection of intellectual property rights ;
- (x) legislation regarding weights and measures.

- (2) Nothing in this constitution contained shall be interpreted so as to preclude the right of the Legislative Assembly to transfer such legislative, administrative and judicial functions and powers to the Federal Republic of South Africa as may be approved by two-thirds of those voting thereon in the Legislative Assembly.
- (3) No power of the Federal Republic of South Africa shall be legitimately exercised in the Kei State if the exercise of such power is inconsistent with the rights, freedoms and powers guaranteed by this constitution to citizens of the Kei State and to the Kei State.
- (4) The Federal Republic of South Africa shall have the power to summon the State militia to defend the liberty and territory of the Federal Republic of South Africa from an external enemy: Provided that no federal armed forces or armed forces of any other member state of the Federal Republic of South Africa shall be deployed or stationed within the boundaries of the Kei State without the approval of the Cabinet of the Kei State.
- (5) The power of the Federal Republic of South Africa to levy taxes and impose duties within the Kei State or in respect of activities or properties located within the Kei State shall be exercised only upon the advice and with the consent of the Cabinet of the Kei State.

**22 Powers of the State**

The Kei State shall have all those powers which are not reserved to the people or the Federal Republic of South Africa.

**CHAPTER 4****THE LEGISLATURE****PART I - THE LEGISLATIVE ASSEMBLY****23. Legislative power**

- (1) The legislative power of the Kei State shall be vested in a Legislative Assembly, which shall be composed of the Governor, an Upper House and a Lower House.
- (2) The legislative function shall be jointly exercised by both Houses of the Legislative Assembly, and any member of either House shall have the power to introduce legislation, save that proposed laws appropriating revenues or monies, or imposing taxation, shall not originate in the Upper House.
- (3) The Upper House may not amend proposed laws appropriating revenues or monies or imposing taxation, but may return any such law to the Lower House requesting, by message, the omission of any items or provisions therein.

**24. Sessions of the Legislative Assembly**

- (1) The Legislative Assembly shall meet annually in one ordinary session, commencing no later than 1 February each year; Provided that each House may be summoned in session at any time by its President, the Governor or by petition of one-third of its members.
- (2) The Legislative Assembly shall be summoned to meet no later than 30 days after any general election.

**25. Duration of the Legislative Assembly**

Each Legislative Assembly shall continue for four years from the day on which its first session commences.

**26. Prorogation and dissolution**

The Governor may from time to time, by Proclamation or otherwise, prorogue the Legislative Assembly and may in like manner dissolve the Legislative Assembly.

**27. Restrictions on membership**

- (1) No persons shall be members of the Upper House and Lower House simultaneously.
- (2) No persons shall hold any other public office at the time of the qualification to membership of the Legislative Assembly.

**28. Privileges and immunities**

- (1) Notwithstanding the provisions of this or any other law, no members of the Legislative Assembly shall be liable to any civil or criminal proceedings, arrest, imprisonment or damages by reason of any matter or thing which he may have brought by petition, bill, resolution, motion or otherwise or may have said before or in the Legislative Assembly or any committee thereof.
- (2) No member of the Legislative Assembly shall be required, while in attendance on the Legislative Assembly, to attend as a witness in any civil proceedings in any court unless that court holds its sittings at the seat of the Legislative Assembly.
- (3) No civil proceedings in which a member of the Legislative Assembly is a Defendant shall, while that member is in attendance on the Legislative Assembly, be brought to trial in a court that holds its sittings elsewhere than at the seat of the Legislative Assembly.

**29. Remuneration of members**

The remuneration of members of the Legislative Assembly shall be determined by law.



PART II - THE UPPER HOUSE**30. Composition of the Upper House**

The Upper House shall be composed of 65 members, of whom 60 shall be elected by an electoral college representing urban and rural local authorities, and five shall be elected from among their number by traditional leaders recognised by law within the Kei State.

**31. Election of the Upper House**

- (1) The electoral college shall be comprised of representatives of each urban and local authority established according to law, and each such local authority shall be represented in the electoral college as far as is practicable in proportion to the numerical size of its constituency: Provided that each local authority shall have at least one representative in the electoral college.
- (2) For purposes of the election of members of the Upper House, the Kei State shall be divided into ten regions, and the representatives in the electoral college of the local authorities in each such region shall elect 6 members to the Upper House.
- (3) If the place of a member of the Upper House becomes vacant before the expiration of the term of office of such member, the representatives in the electoral college of local authorities in that region for which such member was

elected shall elect a person to fill such vacancy until the expiration of the term: Provided that where the place which becomes vacant is that of a traditional leader, that person shall be elected from among their number by traditional leaders recognised by law within the Kei State to fill such vacancy until the expiration of the term.

### 32. Qualification of members

Any citizen of the Kei State over the age of 35 years may be elected to the Upper House.

### 33. President of the Upper House

- (1) The Upper House shall, before proceeding to the despatch of any other business, choose a member of the Upper House to be the President of the Upper House, and as often as the office of President becomes vacant shall again choose a member of the Upper House to be the President.
- (2) The President shall cease to hold office if he ceases to be a member of the Upper House.
- (3) The President may be removed from office by a vote of the Upper House, or he may resign his office or his seat by writing addressed to the Governor.

**34. Absence of the President**

Before or during any absence of the President, the Upper House may choose a member of the Upper House to perform his duties in his absence.

**35. Resignation of member**

A member of the Upper House may, by writing addressed to the President, or to the Governor if there is no President, resign his place, which shall thereupon become vacant.

**36. Vacancy by absence**

The place of a member of the Upper House shall become vacant if he fails to attend the Upper House without the permission of the Upper House for four consecutive weeks of any session of the Legislative Assembly.

**37. Quorum**

The presence of at least one-half of the whole number of members of the Upper House shall be necessary to constitute a meeting of the Upper House.

**38. Voting in the Upper House**

Questions arising in the Upper House shall be determined by a majority of votes, and each member shall have one vote: Provided

that where the votes are equal, the question shall pass in the negative.

### PART III - THE LOWER HOUSE

#### 39. Composition of the Lower House

The Lower House shall be composed of 150 members elected directly by the people of the Kei State.

#### 40. Election of the Lower House

(1) Members of the Lower House shall be elected on the basis of proportional representation in 50 constituencies into which the Kei State shall be divided for purposes of such elections, each such constituency returning 3 members of the Lower House.

(2) If the place of a member of the Lower House becomes vacant before the expiry of the term of office of such member, an election shall be held in the constituency in question to fill such vacancy until the expiration of the term.

#### 41. Qualification of members

Any citizen of the Kei State entitled to vote in an election may be elected to the Lower House.

**42. President of the Lower House**

- (1) The Lower House shall, before proceeding to the despatch of any other business, choose a member of the Lower House to be the President of the Lower House, and as often as the office of President becomes vacant shall again choose a member of the Lower House to be the President.
- (2) The President shall cease to hold office if he ceases to be a member of the Lower House.
- (3) The President may be removed from office by a vote of the Lower House, or he may resign his office or his seat by writing addressed to the Governor.

**43. Absence of the President**

Before or during any absence of the President, the Lower House may choose a member of the Lower House to perform his duties in his absence.

**44. Resignation of member**

A member of the Lower House may, by writing addressed to the President, or to the Governor if there is no President, resign his place, which shall thereupon become vacant.

**45. Vacancy by absence**

The place of a member of the Lower House shall become vacant if he fails to attend the Lower House without the permission of the Lower House for four consecutive weeks of any session of the Legislative Assembly.

**46. Quorum**

The presence of at least one-half of the whole number of members of the Lower House shall be necessary to constitute a meeting of the Lower House.

**47. Voting in the Lower House**

- (1) Questions arising in the Lower House shall be determined by a majority of votes other than those of the President.
- (2) The President shall not vote unless the numbers are equal, and then he shall have a casting vote.

**PART IV - PROCEDURE OF THE LEGISLATIVE ASSEMBLY****48. Rules and orders**

Each House of the Legislative Assembly may make rules and orders with respect to the order and conduct of its business and proceedings either separately or jointly with the other House.

**49. Appropriation bills**

A proposed law which appropriates revenue or monies for the ordinary annual services of the Government shall deal only with such appropriation.

**50. Tax bills**

A proposed law imposing taxation shall deal only with the imposition of taxation, and any provision therein dealing with any other matters shall be of no effect.

**51. Public Access to sittings of the Legislative Assembly**

All meetings of the Legislative Assembly shall be held in public and members of the public shall have access to such meetings.

**52. Disagreement between the Houses**

- (1) If the Lower House passes any proposed law, and the Upper House rejects or fails to pass it, or passes it with amendments with which the Lower House will not agree, and if after an interval of three months the Lower House again passes the proposed law with or without any amendments which have been made, suggested, or agreed to by the Upper House, and the Upper House rejects or fails to pass it or passes it with amendments to which the Lower House will not agree, the Governor may convene a joint sitting of the members of both Houses.

(2) The President of the Lower House shall preside at joint sittings of the members of both Houses.

(3) The members present at the joint sitting may deliberate and shall vote together upon the proposed law as last proposed by the Lower House, and upon amendments, if any, which have been made therein by one House and not agreed to by the other, and any such amendments which are affirmed by an absolute majority of the total number of the members present and voting shall be taken to have been carried, and if the proposed law, with amendments, if any, so carried is affirmed by an absolute majority of the total number of members present and voting, it shall be taken to have been duly passed by both Houses of the Legislative Assembly.

### 53. Assent to bills

(1) A proposed law approved in identical text by both Houses of the Legislative Assembly shall be transmitted to the Governor for signature and promulgation.

(2) The Governor shall have the power to veto the proposed law in its entirety or in respect of specific provisions, and in such instance the proposed law shall be returned to the Legislative Assembly together with such amendments as the Governor may recommend.



- (3) If the Legislative Assembly votes by absolute majority of each House to override the veto, the Governor shall sign and promulgate the law.
- (4) The law shall be promulgated within ten days from the Governor's signature, and shall become of full force and effect upon promulgation.

## CHAPTER 5

### THE EXECUTIVE

#### PART 1 - THE GOVERNOR

##### **54. Executive authority**

The executive authority of the Kei State is vested in the Governor, acting in consultation with the Cabinet.

##### **55. Office of the Governor**

- (1) The Governor is the Head of the Kei State and the chairman of the Cabinet.
- (2) The Governor shall not hold any other public office or exercise any other trade or profession during his term of office.

## 5.4 Infrastructure

While the availability of a sufficient and well developed physical and social infrastructure will contribute significantly to the development potential of the region and nurture its economic functionality or viability it should not be used to frustrate the determination/delimitation of boundaries.

What will however be demonstrated in this section is the fact that the existing infrastructure in the proposed Kei State does support the logic applied to the determination of the boundaries.

### 5.4.1 Physical Infrastructure

The major elements of physical infrastructure which will impact significantly on the development potential and economic functionality in terms of both production and consumption costs of the proposed Kei State are water, energy, transport and telecommunications.

#### 5.4.1.1 Water

The Kei State is drained by four main river systems:-

- i) The Middle and Upper Orange River system which constitutes a small part of Drainage Region D (Orange).
- ii) The Southern Cape River system containing parts of Drainage Regions J (Gouritz), K (Keurbooms & Kramme) and L (Gamtoos).
- iii) The South Eastern Cape River system comprising Drainage Regions M (Swartkops), N (Sundays), P (Bushmans), Q (Great Fish) and R (Keiskamma/Buffalo).
- iv) The river system of the Eastern plateau slopes comprising Drainage Basin S (Great Kei).

A very well developed water resources infrastructure exists in the region which satisfies the needs of the major commercial centres of Port Elizabeth/Uitenhage, East London/King William's Town and Queenstown as well as a substantial amount of irrigated agriculture.

While the main Bulk infrastructure is well developed there are certainly a number of local deficiencies as well as the Rural areas.

Bulk Water Resources are managed by two Government agencies the RSA Department of Water Affairs in the Cape Portion and the Ciskei Department of Public Works in the Ciskei Portion with the main offices in Cradock and Bisho respectively.

Diagram 6 shows the area of responsibility of the two agencies. The Management of the water resources of common interest will be managed jointly with the adjoining regions by bilateral arrangement, having regard for the generally accepted rules for the utilization of international rivers as formulated in 1966 at Helsinki by the International Law Association.

#### 5.4.1.2 Energy

The distribution of Electricity is concerned, this is undertaken by two agencies, ESKOM in the Cape Portion and Ciskei Department of Public Works in the Ciskei Portion. Distribution to individual consumers is in most cases undertaken by the relevant local authorities with both ESKOM and Ciskei handling individual consumers in the rural areas.

A very well developed electrical distribution infrastructure exists in the region which satisfies the needs of the major commercial centres of Port Elizabeth/Uitenhage, East London/King William's Town and Queenstown. The main supply to the region comes from the Hydra Sub-station at De Aar to the Posseiden Sub-station at Cookhouse from where it is distributed to Port Elizabeth directly, and East London both directly and via Queenstown.

While this main Bulk distribution network is well developed there are certainly a number of local deficiencies particularly with regard to the supply to some of the Black urban areas and to the rural areas.

The two agencies managing the distribution in the region operate from East London and Bisho. The management of the distribution in the future should be undertaken by a Regional Utility who would acquire the existing assets in the region from ESKOM and Ciskei. It would

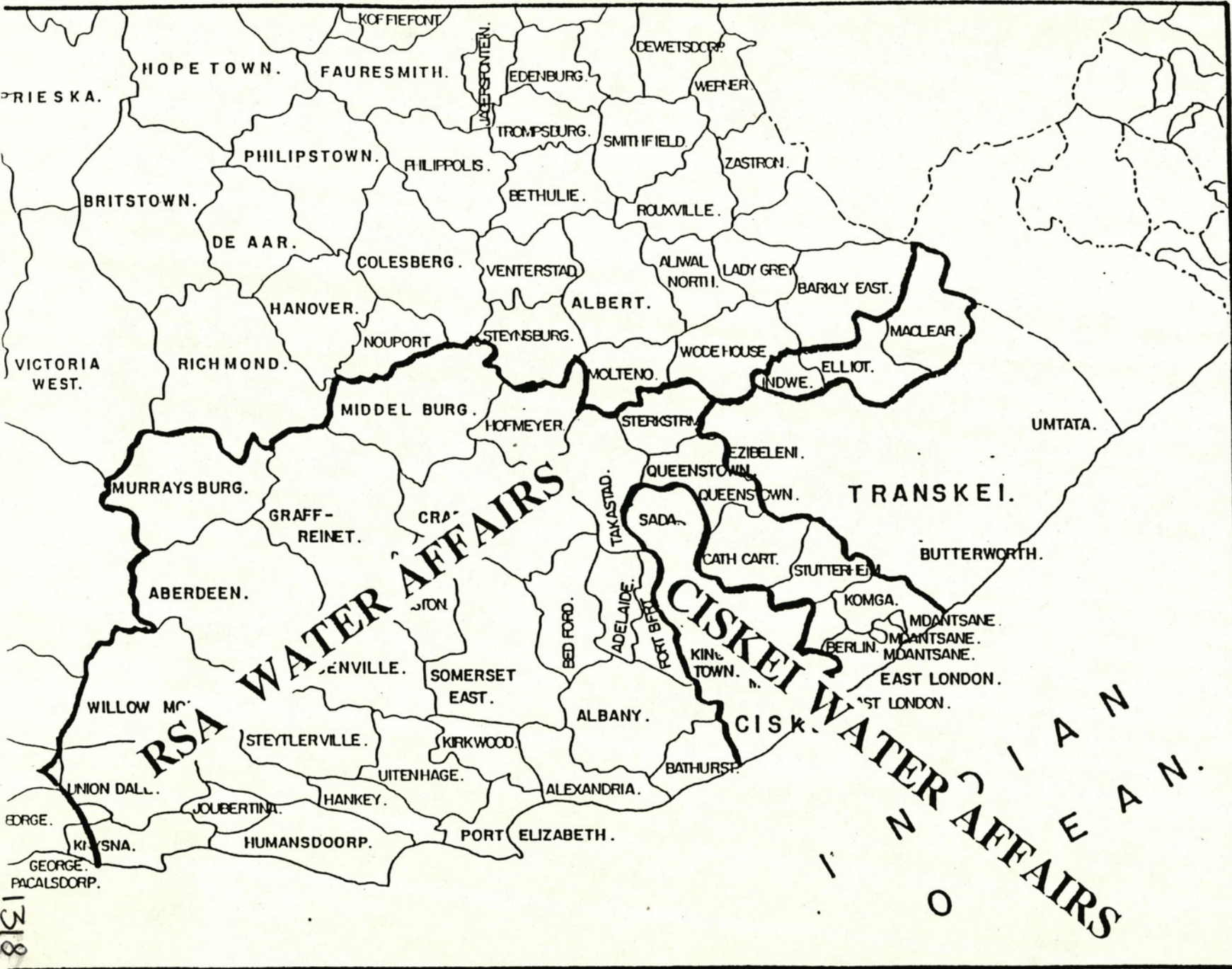


DIAGRAM 6  
 WATER  
 AREAS OF RESPONSIBILITY RSA & CISKEI

1318

be necessary to establish a regulatory body within the region to regulate policy and pricing.

Diagram 7 shows the area of responsibility of the existing two agencies.

#### 5.4.1.3 Transport.

The roads infrastructure of the proposed region is developed and maintained by four agencies:-

- the RSA Department of Transport
- Cape Provisional Administration
- Regional Services Councils
- Ciskei Department of Public Works

The Cape Provincial Administration has three district roads offices:-

- Queenstown which is responsible for the Amatola, Stormberg and Drakensberg RSC Areas.
- Graaff Reinett which is responsible for the Midland and Kamdeboo RSC Areas
- Port Elizabeth which is responsible for the Algoa RSC Area.

The Department of Transport (RSA) has a district office in Port Elizabeth.

The roads infrastructure in the region is reasonably well developed and is able to support the development potential of the area. The standard of the R72 coastal road is however inhibiting the tourism potential of the coastal area.

The Development and maintenance of roads by labour intensive will contribute greatly to the local economy.

The present roads infrastructure should in no way influence the determination of boundaries. It would however make a great deal of sense to utilize the existing CPA, Ciskei and RSC boundaries.

The area has three airports, two of which are fully equipped with all modern navigational

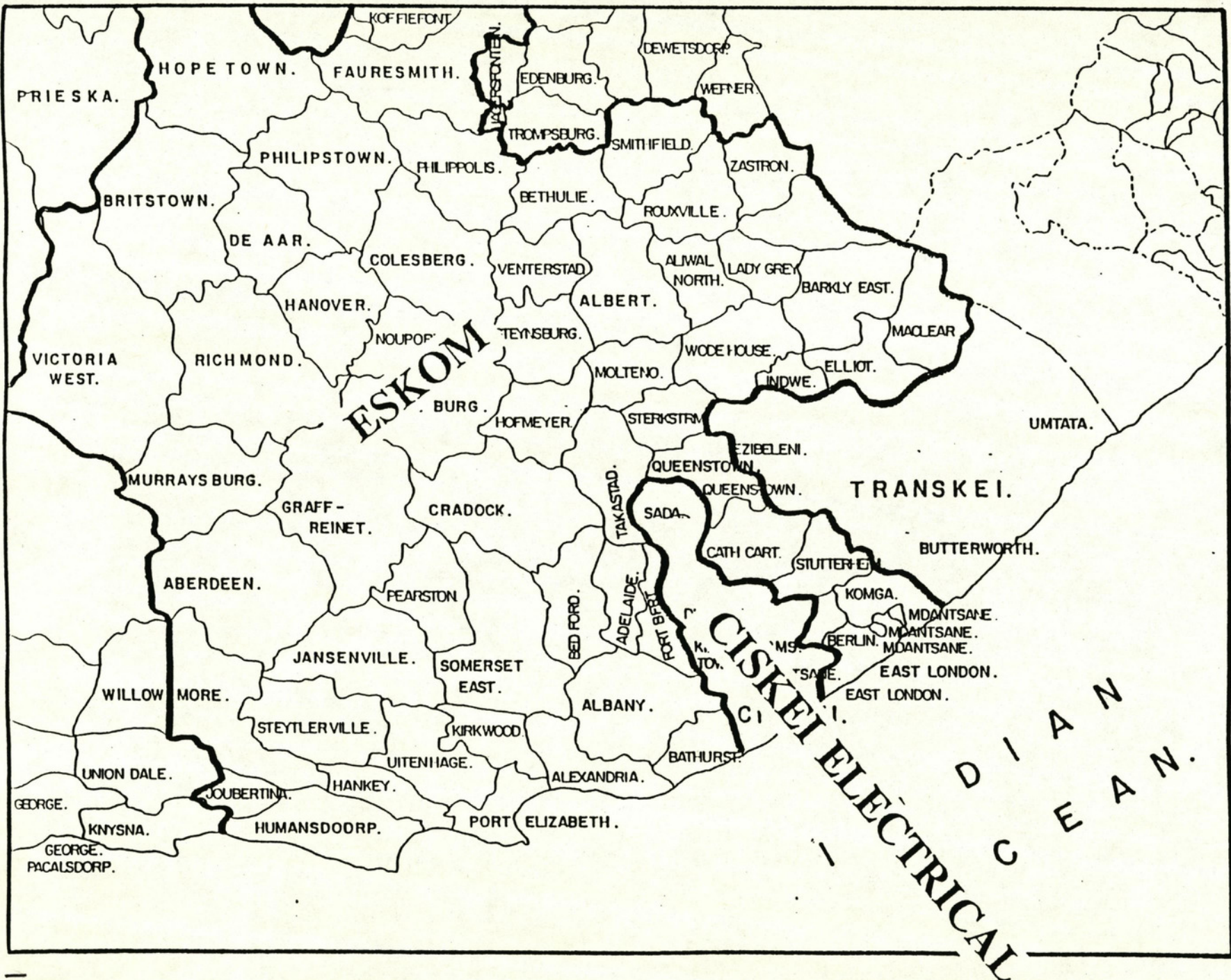


DIAGRAM 7  
 ENERGY  
 AREAS OF RESPONSIBILITY ESKOM & CISKEI

1320

and landing electronic aids. The Port Elizabeth H F Verwoerd airport and the East London Ben Schoeman airport receive a number of daily flights from Cape Town, Durban, Johannesburg and elsewhere. The Bisho airport has been constructed to standards of an International airport but has as yet not been put into full service. The new Regional state is fortunate indeed to possess two fully developed modern harbours. The Port Elizabeth berth has been fully converted to containerisation whereas the East London harbour while only partially equipped for containerisation possesses a fully operational dry dock.

#### 5.4.1.4 Telecommunications.

Posts and Telecommunications in the proposed region is at present administered by three organisations:-

- S A Postal Company

- Telkom SA

- Ciskei Department of Posts of Telecommunications.

The two SA companies have a corporate identity with the RSA Government being the sole shareholder while Ciskei does not have a privatised service and is still Government controlled. The most logical step, if the proposed boundaries of the region are accepted, is for the Ciskei Department of Posts and Telecommunications to be integrated into Telkom SA and SA Postal.

The existing infrastructure is well developed and is able to support the development potential of the proposed region. Presently the Cape portion of the region is administered from Port Elizabeth for both postal and telecommunications activities. The South African postal and telecommunications companies are at present decentralising head office functions to the regions. At present the infrastructural planning for the region is done in Port Elizabeth. From a nodal switching point of view digital subscriber switching units are to be established at Port Elizabeth, Grahamstown and East London to

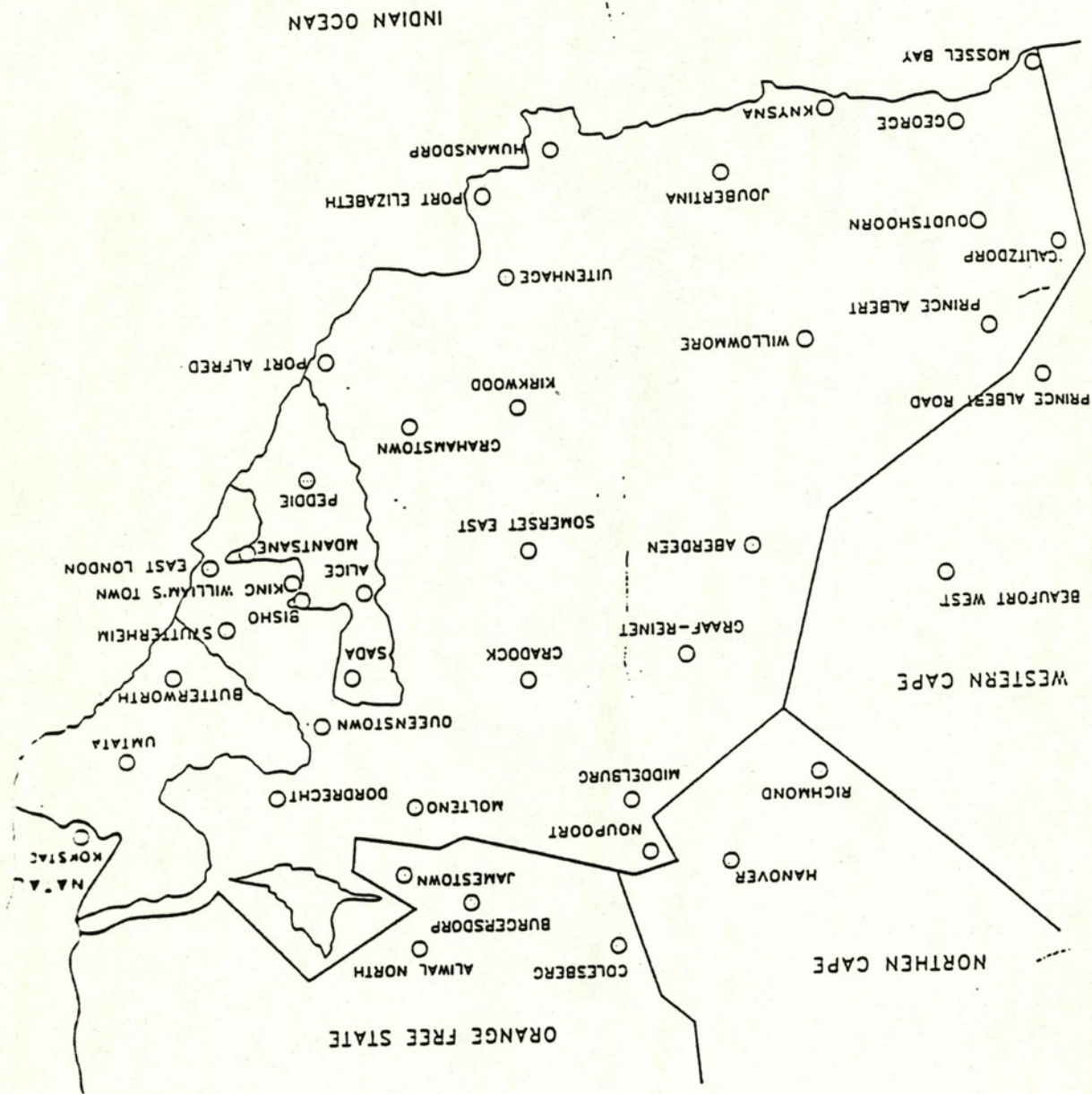


DIAGRAM 8  
 TELECOMMUNICATIONS  
 AREAS OF RESPONSIBILITY TELKOM & CISKEI



which all satellite exchanges will work.

While Bisho has the available infrastructure to operate as a regional office it is considered that from an infrastructure point of view the greater region be administered from Port Elizabeth.

All development in the region has taken place as part of the 04 primary exchange area. Diagram 8 shows the proposed Eastern Cape region with maximum utilization of existing telecommunication infrastructure already in place and connected to the Port Elizabeth inter primary exchange.

#### 5.4.2 Social infrastructure

Surveys undertaken by the Development Bank of Southern Africa reflect that the area shares two obvious problems with the rest of South Africa. The first is the existence of a large pool of unskilled or semi-skilled Labourers, mainly employed as production workers, farmers or fishermen. These account for 52 % of the economically active population. The second problem relates to the severe shortage of skilled workers and especially those in technical as well as managerial positions.

These shortcomings are indicative and symptomatic of the imbalances which prevail in the regions social infrastructure. The shortcomings in the field of national education are most evident throughout the region and urgent steps will need to be taken to overcome the huge backlog in both vocational as well as academic education for the past decades of neglect. Ciskei has already embarked on a massive school classroom building exercise which aims at overcoming the backlog in this sector within the next 3 to 4 years.

Hopefully placing Fort Hare University under more enlightened and visionary direction and management will help to improve the flow of skilled and professional graduates into the economic life of the region.

Urgent programmes will also need to be introduced to upgrade and improve the standard of teachers in all grades. Utilisation of all training institutions within the proposed region irrespective of race or colour will probably provide adequate facilities for the necessary training programmes.

Co-ordination between the three major Technikons in the region will result in much more effective utilisation of these important facilities.

Research undertaken by DBSA in the field of health facilities and services reveal that disparities still exist within the region and more especially between Ciskei and the South African area. The most prevalent diseases within the area viz. tuberculosis and measles are indicative of inadequate preventative health care services and are characteristic of poor socio-economic conditions. These circumstances in turn reflect inadequate health facilities to cater for large and scattered rural populations with primitive water and sanitation services.

#### 5.5 Fiscal Capacity

A separate submission will be made in this regard.

#### 5.6 The Necessity of limiting Financial and other costs as much as reasonably possible.

As stated above the new state will need to take a long and hard look at current levels of expenditure within the constitutional units which combine to create the new state.

In particular the existing civil services which operate within the South African area and the Ciskei will need to be combined and go through a process of rationalisation.

Similarly the role of the Regional Service Councils will need to be evaluated and their fields of activity related to other government agencies and departments.

This type of exercise, which has come to be known by the phrase "structural adjustment" is currently well in hand in the Republic of Ciskei.

As and when some form of consensus has been reached in regard to regional boundaries and the new state is identified, it would be highly beneficial for "the structural adjustment programme" to be applied to the whole territorial area of the new state.

## 6. INSTITUTIONAL AND ADMINISTRATIVE CONSIDERATIONS

### 6.1 The need or otherwise to rationalise existing structures - Ciskei/RSC's etc.

The new state will require one state civil service and all existing administrative, legislative and executive departments.

Research undertaken by DBSA in the field of health facilities and services reveal that disparities still exist within the region and more especially between Ciskei and the South African area. The most prevalent diseases within the area viz. tuberculosis and measles are indicative of inadequate preventative health care services and are characteristic of poor socio-economic conditions. These circumstances in turn reflect inadequate health facilities to cater for large and scattered rural populations with primitive water and sanitation services.

#### 5.5 Fiscal Capacity

A separate submission will be made in this regard.

#### 5.6 The Necessity of limiting Financial and other costs as much as reasonably possible.

As stated above the new state will need to take a long and hard look at current levels of expenditure within the constitutional units which combine to create the new state.

In particular the existing civil services which operate within the South African area and the Ciskei will need to be combined and go through a process of rationalisation.

Similarly the role of the Regional Service Councils will need to be evaluated and their fields of activity related to other government agencies and departments.

This type of exercise, which has come to be known by the phrase "structural adjustment" is currently well in hand in the Republic of Ciskei.

As and when some form of consensus has been reached in regard to regional boundaries and the new state is identified, it would be highly beneficial for "the structural adjustment programme" to be applied to the whole territorial area of the new state.

## 6. INSTITUTIONAL AND ADMINISTRATIVE CONSIDERATIONS

### 6.1 The need or otherwise to rationalise existing structures - Ciskei/RSC's etc.

The new state will require one state civil service and all existing administrative, legislative and executive departments.

and offices will need to be integrated into one service and thus remove all avenues of wasteful duplication.

This structural adjustment process will be one of the foremost requirements in order to establish the new regional government on a sound and cost effective footing.

The need to evaluate all existing agencies of government i.e. national, regional and local will be of paramount importance and will obviously result in substantial savings.

6.2 Administrative Considerations including the availability and non-availability of infrastructure and nodal points for services

The main nodal points of the proposed region are Port Elizabeth/Uitenhage, the Graaff-Reinet/Cradock/Middelburg triangle, Aliwal North, Queenstown and East London/King William's Town.

The Ciskei as an independent state has Bisho as the legislative, executive and judicial capital. The basic administrative infrastructure for the administration of State Affairs is already in place and functioning. Bisho, therefore, already functions as the capital of an autonomous region and has the administrative capacity to administer 16 government departments. All functions listed in the proposals for the allocation of functions of central, regional and local governments are already performed ex Bisho. The loss of full independence in a new constitutional arrangement will result in certain government functions, currently being performed, being allocated to a new central level of government. The administrative capacity to handle the remaining regional and local functions can in the circumstances not be doubted.

Extension of Ciskei boundaries to a larger region may imply creation and/or administrative strengthening of sub-regional offices. Integration of the various public services involved should be sufficient to provide the necessary administrative capacity on a sub-regional level.

6.3 The need to minimise the dislocation of services

If Bisho does not become the capital of the region severe disruption for personnel will occur as result of reallocation of all Departmental Head Office personnel to a new capital. The implications in respect of the existing governmental infrastructure (office buildings etc.) when deciding on the capital can not be over stressed. Movement of the capital away from Bisho will result in non-utilisation of an entire central business district created at great expense.

No other city within the proposed region has the necessary infrastructure to accommodate the seat of a regional government or the necessary housing to accommodate the mass of public servants which will have to be transferred.

6.4 The need to minimise inconvenience to the people.

In terms of the proposed constitution of the Kei State all public servants in the employ of the Republic of Ciskei and all public servants employed in the territory of the Kei State by the Republic of South African and the Cape Provincial Administration immediately prior to the establishment of the State will be deemed to be employees of the Kei State and would be entitled to all the rights and privileges and subject to all the obligations applicable immediately prior to the coming into force of the constitution.

If this principle is adopted and upheld there should be a minimum of inconvenience to state employees at the time of the transition. Furthermore, if the boundaries as suggested in this submission are accepted and the existing government offices continue to operate from their present locations, this would also ensure that the inconvenience to the people of the region is kept to a minimum.

## 7. SOCIO - CULTURAL CONSIDERATIONS

### 7.1 Demographic Considerations

Two distinct settlement patterns occur throughout the area being considered. In the Ciskei there is a high proportion of people residing in rural villages whilst in the Border/Eastern Cape/North Eastern Cape areas this pattern is reversed with the majority of the population residing in the urban areas.

The following Table 4 illustrates the population of the various components of the area under study.

TABLE 4 : POPULATION COMPARISONS

REGION	POPULATION ('000)	% URBAN	% RURAL	AREA sq.km	POP Cap/S.km
>Region D	6 100	34%	66%	107 616	36
Region D	4 700	42%	58%	152 471	31
Ciskei	800	38%	62%	8 100	99
Transkei	3 100	21%	79%	43 654	71
Border Kei	4 500	19%	81%	99 061	45
KEI STATE	2 834	66%	34%	124 648	23

From the rural/urban split point of view, the Kei State proposal has the most merit since it indicates a greater percentage of urban population than rural. If it is accepted that the process of rural to urban migration is inevitable, then this alternative will (in future) have less of a problem to deal with a comparison to any of the other regions being considered here. In this regard, the proposed Border Kei region has the greatest problem, with only 19% of its population being urbanised. Resources are likely to be severely strained in coping with the rapidly increasing urbanisation rate in this regional configuration.

Also in the favour of the proposed Kei State, is the fact that it has the lowest population density i.e. 26 people per square kilometre whilst the Border Kei and Greater Region D region have densities of 45 and 36 people per square kilometre respectively.

## 7.2 Cultural and Language Realities

A common culture has been built by the Xhosa, English and Afrikaans speaking people of the region. It is important however that the people of the region should maintain their difference and own cultures. The Grahamstown/Port Elizabeth area, for example, the cultural home of the English speaking South Africans, should receive recognition for the important role this area plays in the preservation of the British Cultural heritage.

Why has the Transkei been excluded from the region?

Early in the 18th Century Rharhabe decided to find a new home south of the Great Kei, after he had supported his father Phalo,

paramount Chief of the Xhosa people, and defeated his brother Gcaleka, the rightful successor, who tried to usurp Phalo's position whilst he was still alive. Thus the Xhosa people were divided into three separate states of Kwa Zulu, Transkei and Ciskei.

The Transkei has been an entity on its own since 1894. From 1903 it was known as the United Transkei Territories. Little justification can be found for its inclusion in the proposed region.

## **8. POWERS AND FUNCTIONS OF THE KEI STATE**

A proposal for the allocation of functions of central, regional and local governments is shown in the following matrix Annexure A.

## **9. A CONSTITUTIONAL PROPOSAL FOR THE KEI STATE**

A proposed constitution for the Kei State is attached under Annexure B.

## **10. CONCLUSIONS AND RECOMMENDATIONS**

The Ciskei Government stand point on the question of its reincorporation into South Africa has at all times centred on the nature of the state to be created in South Africa through the process of constitutional reform.

Ciskei has consistently advocated a confederal or federal state made up of autonomous regional states or provinces. Such an arrangement will ensure peaceful co-existence of the many vastly diverse groups whom regard Southern Africa as their rightful home and birth place in the African sun.

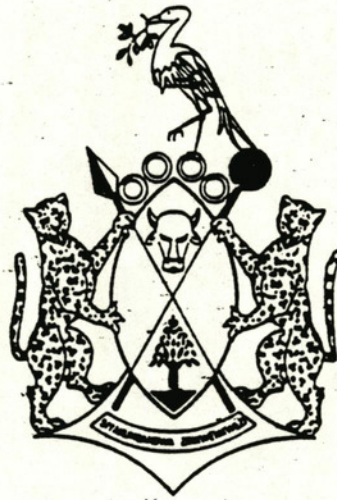
The Ciskei government and the people of Ciskei will feel content and confident in placing their future well being into the hands of a regional government correctly structured within the state as proposed. Ciskeian aspiration will continue to look beyond the local resources of the regional state in terms of sharing in the commonwealth resources of the Federal Republic of Southern Africa.

The principles laid down for Ciskeian independence whereby we would not be worse off, that we would enjoy an appropriate infrastructure similar to that which could be expected of any independent state and finally that we would share in the commonwealth resources of the Federal or Confederal States.

It is on this basis that Ciskei would advocate the establishment of the new "KEI STATE" state as defined in this memorandum.



**ANNEXURE A**



**POWERS & FUNCTIONS**

of the

**KEI STATE**

SUMMARISED PROPOSALS FOR THE ALLOCATION OF FUNCTIONS OF CENTRAL, REGIONAL AND LOCAL GOVERNMENTS

LA

<u>FUNCTION</u>	<u>LOCAL</u>	<u>FEDERAL STATE (FS)</u>	<u>CENTRAL</u>
<b>A. GOVERNMENT ADMINISTRATION</b>			
PUBLIC SERVICE COMMISSION	TO EXECUTE POLICY FORMULATED AT FS LEVEL	TO DETERMINE AND ENSURE EXECUTION OF PUBLIC ADMINISTRATIVE POLICIES OF LOCAL AND REGIONAL LEVELS WITH LOCAL INPUT  LIAISON WITH OTHER FS'S TO ENSURE INTER FS-UNIFORMITY OF STANDARDS	TO DETERMINE AND ENFORCE PUBLIC ADMINISTRATIVE POLICIES FOR CENTRAL LEVELS
PUBLIC FINANCE (FISCAL AND MONETARY)	TO DETERMINE / ENFORCE OWN FISCAL POLICIES	TO PARTICIPATE IN THE FORMULATION OF MONETARY POLICY AT CENTRAL LEVEL  TO DETERMINE AND ENFORCE OWN FISCAL POLICIES WITH PARTICIPATION FROM LOCAL LEVELS	TO FORMULATE, EXECUTE AND CONTROL MONETARY POLICY  TO DETERMINE AND ENFORCE OWN FISCAL POLICY WITH INPUT FROM LOCAL AND FS LEVELS
TREASURY	TO ENFORCE OWN FINANCIAL CONTROL	AS FOR LOCAL LEVEL	AS FOR LOCAL LEVEL
<b>B. RESEARCH AND DEVELOPMENT</b>			
SCIENTIFIC / INDUSTRIAL (INCLUDING MEDICAL AND WATER)	TO UNDERTAKE ACCORDING TO THE NEEDS OF LOCAL COMMUNITIES	TO UNDERTAKE RESEARCH EXTENDING BEYOND THE NEEDS OF LOCAL COMMUNITIES AND UNIQUE TO THE FS	TO UNDERTAKE RESEARCH OF NATIONAL IMPORTANCE
AGRICULTURAL		TO UNDERTAKE ACCORDING TO REGIONAL NEEDS	TO UNDERTAKE ACCORDING TO NATIONAL NEEDS
HUMAN SCIENCES	PROVIDE INPUTS TO CENTRAL LEVEL	PROVIDE INPUTS TO CENTRAL LEVEL	SOLE RESPONSIBILITY WITH SERVICES TO ALL LEVELS
STANDARDS AND NORMS	PROVIDE INPUTS TO CENTRAL LEVEL	PROVIDE INPUTS TO CENTRAL LEVEL	SOLE RESPONSIBILITY WITH SERVICES TO ALL LEVELS
<b>C. SECURITY</b>			
DEFENCE		MAINTAIN A MILITIA TO ENSURE THE INTEGRITY OF THE FS	DEFENCE AGAINST FOREIGN ENEMIES
NATIONAL INTELLIGENCE		MAINTAIN OWN SERVICES	MAINTAIN OWN SERVICES
CORRECTIONAL SERVICES		SOLE RESPONSIBILITY	
LAW ENFORCEMENT (INCLUDING POLICE)	TO BE APPLIED FOR OWN LEGISLATION	TO BE APPLIED FOR OWN LEGISLATION AND COMMON LAW CRIMES COMMITTED WITHIN FS JURISDICTION  INTER FS CO-OPERATION	TO BE APPLIED FOR OWN LEGISLATION

CIVIL PROTECTION SERVICES TO DEAL WITH EVENTS OR DISASTERS WHICH FALL WITHIN ITS JURISDICTION

POLICY MAKING

TO DEAL WITH EVENTS OR DISASTERS WHICH EXTEND BEYOND THE CAPACITY OF ANY SINGLE LOCAL AUTHORITY

D. HEALTH SERVICES

FOOD AND DRUG CONTROL

TO ENFORCE STANDARDS AND PRESCRIPTIONS LAID DOWN AT CENTRAL LEVEL

AS FOR LOCAL LEVEL

TO FORMULATE AND CONTROL POLICY OF NATIONAL IMPORTANCE

TO DETERMINE POLICY, PLAN AND EXECUTE AT LOCAL LEVEL WHERE POSSIBLE

AS FOR LOCAL LEVEL

POPULATION DEVELOPMENT

TO EXECUTE POLICIES AT LOCAL LEVEL

TO EXECUTE POLICIES AT FS LEVEL

TO FORMULATE NATIONAL POLICY WITH PARTICIPATION FROM REGIONAL AND LOCAL LEVELS

DISEASE CONTROL

TO DETERMINE POLICY, PLAN AND EXECUTE AT LOCAL LEVEL WHERE POSSIBLE

AS FOR LOCAL LEVEL

TO FORMULATE NATIONAL POLICY WITH PARTICIPATION FROM REGIONAL AND LOCAL LEVELS

TO EXECUTE NATIONAL POLICIES AT LOCAL LEVEL

AS FOR LOCAL LEVEL

HOSPITAL SERVICES AND COMMUNITY HEALTH

TO MANAGE HEALTH FACILITIES (HOSPITALS, CLINICS, AMBULANCE SERVICES, ETC.)

TO IDENTIFY THE NEEDS FOR SERVICES AND FACILITIES AT FS AND LOCAL LEVELS

TO DETERMINE AND IMPLEMENT A NATIONAL HEALTH POLICY

TO PROVIDE FACILITIES ACCORDING TO THE NEEDS IDENTIFIED

TO PROVIDE FINANCE FOR THE MAINTENANCE OF A NATIONAL HEALTH POLICY

E. JUDICIARY

APPEAL COURT

SOLE RESPONSIBILITY

SUPREME COURT

SOLE RESPONSIBILITY IN RESPECT OF OWN LEGISLATION AND COMMON LAW CRIMES/CIVIL CASES EMANATING FROM AREA OF JURISDICTION

SOLE RESPONSIBILITY IN RESPECT OF OWN LEGISLATION

CONCURRENT JURISDICTION WITH FS SUPREME COURT IN RESPECT OF SUBMITTED CASES

LOWER COURTS

SOLE RESPONSIBILITY

ATTORNEY GENERAL

SOLE RESPONSIBILITY IN RESPECT OF AREA OF JURISDICTION OF FS SUPREME COURT

SOLE RESPONSIBILITY IN RESPECT OF OWN LEGISLATION

STATE ATTORNEY

3.

SOLE RESPONSIBILITY IN  
RESPECT OF AREA OF  
JURISDICTION OF FS  
SUPREME COURT

SOLE RESPONSIBILITY IN  
RESPECT OF OWN  
LEGISLATION

F. EDUCATION AND CULTURE

EDUCATIONAL STANDARDS

PROVIDE INPUT TO  
CENTRAL LEVEL

AS FOR LOCAL LEVEL

TO DETERMINE STANDARDS OF  
EDUCATION AT ALL LEVELS TO  
ENSURE UNIFORMITY

EDUCATION PROVISION  
(ALL LEVELS)

PROVIDE INPUT ON NEEDS  
TO FS LEVEL

DETERMINE NEEDS FOR  
FACILITIES

TO PROVIDE THE FINANCE FOR  
MINIMUM SCHOOLING

MANAGE FACILITIES

PROVIDE FACILITIES TO  
LOCAL LEVEL

TO SUBSIDISE EDUCATION AT  
ALL LEVELS

APPOINT AND MANAGE  
PERSONNEL

DETERMINE CURRICULA

CULTURAL AFFAIRS

PLAN AND EXECUTE  
CULTURAL AND YOUTH  
PROGRAMS

PROMOTE CULTURAL AND  
YOUTH PROGRAMS OF  
REGIONAL IMPORTANCE

PLAN AND EXECUTE CULTURAL  
PROGRAMS OF NATIONAL  
IMPORTANCE

MANAGE MUSEUMS AND  
OTHER CULTURAL  
INSTITUTIONS/EDIFICES

ESTABLISH MUSEUMS AND  
OTHER CULTURAL  
INSTITUTIONS OF REGIONAL  
AND LOCAL IMPORTANCE

ESTABLISH MUSEUMS AND  
MONUMENTS OF NATIONAL  
IMPORTANCE

LANGUAGES

DETERMINE OFFICIAL  
LANGUAGES FOR REGION

DETERMINE OFFICIAL  
LANGUAGES FOR THE COUNTRY  
AS A WHOLE

PARTICIPATE AT CENTRAL  
LEVEL IN DETERMINING  
OFFICIAL LANGUAGES AS A  
WHOLE

SPORT AND RECREATION

PROMOTE SPORT AND  
RECREATION FACILITIES  
IN AREA OF JURISDICTION

AS FOR LOCAL LEVEL

PERFORMING ARTS

PROMOTE PERFORMING ARTS  
AND RELATED INFRA-  
STRUCTURES IN OWN AREA

AS FOR LOCAL LEVEL

6. FOREIGN AFFAIRS

SOLE RESPONSIBILITY

H. ECONOMICS AND PLANNING

FOREIGN TRADE

EXECUTE POLICIES MADE  
AT CENTRAL LEVEL

TO DETERMINE POLICY

ECONOMIC PLANNING

TO INITIATE ECONOMIC  
DEVELOPMENT PROJECTS  
IN AREA OF JURISDICTION

AS FOR LOCAL GOVERNMENT

TO DETERMINE MACRO-  
ECONOMIC GROWTH POLICY

SUPPORT LOCAL AND REGIONAL  
INITIATIVES ON MERIT

PHYSICAL PLANNING

EXECUTE POLICY  
FORMULATED AT FS LEVEL

4.

FORMULATE POLICY  
SUITABLY FLEXIBLE TO  
ADAPT TO LOCAL  
CIRCUMSTANCES

FORMULATE POLICY, PLAN  
AND EXECUTE AT LOCAL  
LEVEL WHERE POSSIBLE

CO-ORDINATE AND ASSIST  
WITH PLANNING AT LOCAL  
LEVEL

COMMERCE, INDUSTRIES  
AND MINING

SOLE RESPONSIBILITY

TOURISM

PROMOTE TOURISM IN AREA  
OF JURISDICTION

AS FOR LOCAL LEVEL

I. AGRICULTURE

ECONOMICS AND MARKETING

PROVIDE INPUTS TO  
CENTRAL LEVEL

SOLE RESPONSIBILITY (WITH  
INPUTS FROM FS'S

VETERINARY SERVICES

TO ENFORCE STANDARDS AND  
PRESCRIPTIONS LAID DOWN  
AT CENTRAL LEVEL

TO FORMULATE NATIONAL  
POLICY WITH PARTICIPATION  
FROM FS LEVEL

EXTENSION SERVICES

SOLE RESPONSIBILITY  
LIAISON WITH OTHER FS'S

TECHNICAL SERVICES

SOLE RESPONSIBILITY  
LIAISON WITH OTHER FS'S

J. ENVIRONMENTAL AFFAIRS

TOXIC WASTE DISPOSAL

TO TAKE SUITABLE  
MEASURES IN AREA OF  
JURISDICTION

AS FOR LOCAL GOVERNMENT

TO SET INTERNATIONALLY  
ACCEPTED STANDARDS TO BE  
APPLIED.

NON-TOXIC WASTE DISPOSAL

TO TAKE SUITABLE  
MEASURES IN AREA OF  
JURISDICTION

AS FOR LOCAL GOVERNMENT

TO SET STANDARDS TO BE  
APPLIED.

POLLUTION CONTROL

TO TAKE SUITABLE  
MEASURES IN AREA OF  
JURISDICTION

AS FOR LOCAL GOVERNMENT

TO SET INTERNATIONALLY  
ACCEPTED STANDARDS TO BE  
APPLIED.

FORESTRY AND  
NATURE CONSERVATION

TO TAKE SUITABLE  
MEASURES IN AREA OF  
JURISDICTION

AS FOR LOCAL GOVERNMENT

TO SET STANDARDS TO BE  
APPLIED.

FISHERIES (SEA & FRESH)

TO TAKE SUITABLE  
MEASURES IN AREA OF  
JURISDICTION

AS FOR LOCAL GOVERNMENT

TO SET STANDARDS FOR  
FRESH WATER

TO SET INTERNATIONALLY  
ACCEPTED STANDARDS TO BE  
APPLIED FOR SEA FISHERIES.

TO TAKE THE NECESSARY  
MEASURES TO ENSURE  
COMPLIANCE

## K. POPULATION MATTERS

PASSPORTS, IMMIGRATION  
AND EMIGRATIONPROVIDE INPUTS TO  
CENTRAL LEVELSOLE RESPONSIBILITY WITH  
INPUTS FROM FS LEVEL

POPULATION REGISTRATION

REGISTER BIRTHS, DEATHS  
AND MARRIAGES  
OCCURRING WITHIN AREA  
OF JURISDICTION AS  
AGENT OF REGIONAL LEVELMAINTAIN REGIONAL  
POPULATION REGISTERPRESCRIBE MEASURES FOR  
MAINTENANCE OF UNIFORM  
POPULATION REGISTRATION

VOTER'S ROLLS

MAINTAIN VOTER'S ROLLS  
FOR LOCAL ELECTIONSISSUE ID DOCUMENTS AS  
AGENT OF CENTRAL LEVEL

MAINTAIN CENTRAL REGISTER

MAINTAIN VOTER'S ROLLS  
FOR FS ELECTIONSUTILISE FS VOTERS ROLLS  
FOR NATIONAL ELECTIONS.

## L. LAND AFFAIRS

LAND SURVEYS

UNDERTAKE FOR  
DELIMITATION OF  
PROPERTY IN AREA OF  
JURISDICTIONUNDERTAKE FOR  
DELIMITATION OF LAND IN  
AREA OF JURISDICTION

MAINTAIN NATIONAL ARCHIVE

MAINTAIN CENTRAL ARCHIVE  
OF MAPS OF ALL LAND IN  
AREA OF JURISDICTION

DEEDS REGISTRIES

SOLE RESPONSIBILITY

HOUSING

PROVIDE ACCORDING TO  
NEEDS OF LOCAL  
COMMUNITYASSIST LOCAL LEVEL IN  
OBTAINING FUNDING FOR  
THEIR REQUIREMENTSPROVIDE FUNDING FOR  
MINIMAL HOUSING NEEDS  
OF LOCAL LEVEL

## M. MANPOWER

LABOUR RELATIONS,  
UNEMPLOYMENT INSURANCE  
AND WORKMEN'S  
COMPENSATIONDETERMINE POLICY AND  
ADMINISTER WITHIN AREA  
OF JURISDICTIONTRADE TRAINING AND  
INDUSTRIAL SAFETYCONDUCT INSPECTIONS AS  
AGENT OF FSDETERMINE POLICY AND  
ADMINISTER WITHIN AREA  
OF JURISDICTIONREGISTRATION OF  
WORKSEEKERSADMINISTER WITHIN AREA  
OF JURISDICTION

## N. SOCIAL SERVICES

SOCIAL PENSIONS AND  
ALLOWANCESAGENT OF FS IN OWN  
AREAMANAGE THE EXECUTIVE  
FUNCTIONSDETERMINE A UNIFORM POLICY  
FOR THE COUNTRY

OTHER WELFARE SERVICES

IDENTIFY SOCIAL WELFARE  
NEEDS OF THE COMMUNITYDETERMINE A UNIFORM SOCIAL  
WELFARE POLICY FOR THE  
FSATTEND TO IDENTIFIED  
NEEDS

## RURAL DEVELOPMENT

IDENTIFY DEVELOPMENT  
NEEDS OF COMMUNITIES

ASSIST AND SUPPORT LOCAL  
LEVEL IN IDENTIFYING AND  
SUPPLYING SOLUTIONS TO  
NEEDS

ATTEND TO IDENTIFIED  
NEEDS

## D. TRANSPORT

## ROAD AND RAIL

TO PROVIDE AND MAINTAIN  
FACILITIES IN  
JURISDICTION TO BEST OF  
ABILITY

TO PROVIDE AND MAINTAIN  
INTER REGIONAL LINKS TO  
BEST OF ABILITY

TO PROVIDE AND MAINTAIN  
MAJOR INTER-REGIONAL LINKS  
OF UNIFORM STANDARD

TO SUPPORT LOCAL LEVELS  
REQUIRING ASSISTANCE

## AIRPORTS AND AIR TRAFFIC

TO MANAGE LOCAL AIR-  
PORTS AND FACILITIES  
ACCORDING TO LAID DOWN  
STANDARDS

TO MANAGE REGIONAL  
AIRPORTS AND FACILITIES  
ACCORDING TO LAID DOWN  
STANDARDS

TO CONTROL NATIONAL AND  
INTERNATIONAL AIR TRAFFIC

TO SET MINIMUM STANDARDS  
FOR ALL AIRPORTS AND  
TRAFFIC CONTROL

ROAD TRANSPORTATION AND  
COMMUTER SERVICES

TO PROVIDE FACILITIES  
FOR COMMUTERS

TO BE RESPONSIBLE FOR  
THOSE SERVICES WITHIN  
AREA OF JURISDICTION.

## HARBOURS

TO MANAGE HARBOURS AND  
PORTS ACCORDING TO LAID  
DOWN STANDARDS

TO DETERMINE MINIMUM  
STANDARDS IN CONSULTATION  
WITH LOCAL LEVELS

LIAISON WITH OTHER FS'S  
TO ENSURE UNIFORMITY OF  
STANDARDS

TRAFFIC CONTROL AND  
ROAD SAFETY

TO BE APPLIED BY SAME  
AUTHORITY RESPONSIBLE  
FOR LEGISLATIVE  
FORMULATION

AS FOR LOCAL GOVERNMENT

LIAISON WITH OTHER FS'S  
TO ENSURE UNIFORMITY

PUBLIC WORKS,  
INFRASTRUCTURE AND  
SERVICES

## ENERGY AND WATER

TO IDENTIFY CONSUMER  
NEED

TO ASSIST AND SUPPORT  
LOCAL AUTHORITIES AND  
COMMUNITIES (WHERE  
NEEDED) IN IDENTIFYING  
AND SUPPLYING SOLUTIONS  
TO SATISFY CONSUMER  
NEEDS

TO IDENTIFY AND QUANTIFY  
THE COUNTRY'S TOTAL ENERGY  
AND WATER NEEDS

TO IDENTIFY AND APPLY,  
WHERE ABLE, THE MOST  
ECONOMIC AND  
APPROPRIATE SOLUTIONS  
TO SATISFY NEEDS AT  
LOCAL LEVEL

TO PLAN AND DEVELOP  
REGIONAL RESOURCES TO  
SATISFY NEEDS AT  
REGIONAL LEVEL.

TO PLAN AND DEVELOP INTER-  
NATIONAL AND INTER-REGIONAL  
RESOURCES TO PROVIDE FOR  
THE COUNTRY'S TOTAL NEEDS  
FOR THE SHORT, MEDIUM AND  
LONG TERM

GOVERNMENT BUILDINGS

TO PROVIDE FOR OWN  
NEEDS

TO PROVIDE FOR OWN  
NEEDS

TO PROVIDE FOR OWN  
NEEDS

TO PROVIDE PROFESSIONAL  
AND TECHNICAL SUPPORT  
TO THOSE LOCAL AUTHOR-  
ITIES LACKING THIS

TO PROVIDE MINIMUM BASIC  
INFRASTRUCTURE AND  
SERVICES TO THOSE  
COMMUNITIES INCAPABLE OF  
PROVIDING THEIR OWN

POSTAL AND TELECOMMUNI-  
CATION SERVICES

PARTICIPATE IN CENTRAL  
GOVERNMENT POLICY  
DETERMINATION

AS FOR LOCAL LEVEL

SOLE RESPONSIBILITY FOR  
REGULATING THE POSTAL,  
RADIO AND  
TELECOMMUNICATIONS  
ACTIVITIES OF THE COUNTRY  
AS A WHOLE

TO MANAGE FREQUENCY  
ALLOCATIONS



ANNEXURE B



**CONSTITUTION**

of the

**KEI STATE**

# THE CONSTITUTION OF THE KEI STATE

## PREAMBLE

We, the peace-loving people of the Kei State, in full awareness of our rich and diverse heritage, mindful of the past failures and evils which have beset us, aspiring to the ideals of democracy, freedom, justice and prosperity for all, committed to the promotion of individual rights and freedoms and social responsibility, and determined to provide a foundation for an open and just society, do hereby ordain and establish this constitution for the Kei State to provide ourselves with a system of government promoting and serving our needs, interests and aspirations, both individual and collective.

## CHAPTER 1

### CHARTER OF RIGHTS, FREEDOMS AND RESPONSIBILITIES

#### 1. Guarantee of rights and freedoms

- (1) This Charter guarantees the rights and freedoms set out herein, subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.
- (2) Any aggrieved party who avers a violation of the rights and freedoms guaranteed herein shall be entitled to be heard by the Supreme Court as a matter of urgency, and upon proving such violation prima facie, shall be entitled to

preliminary relief pending the final determination of the matter.

## 2. Fundamental freedoms

All persons have the fundamental freedoms -

- (1) of conscience and religion ;
- (2) of thought, belief, opinion, speech and expression, including freedom of the press and other communication media ;
- (3) of peaceful and unarmed assembly ;
- (4) of association.

## 3. Right to life

- (1) All persons have the right to life.
- (2) No court or tribunal shall have the power to impose a sentence of death upon any person, and no execution shall take place in the Kei State.

## 4. Right to liberty and security of person

- (1) All persons have the right to liberty and security of person, and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

- (2) All persons have the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
- (3) All persons have the right not to be subjected to arbitrary arrest, detention, imprisonment or denial of bail.
- (4) All persons have the right to be secure against unreasonable search or seizure.
- (5) All persons who are arrested or detained in custody have the right -
- (a) to be informed promptly, in a language they understand of the grounds therefor ;
  - (b) to retain and instruct a legal practitioner of their choice and to be informed of that right ;
  - (c) to be released or charged and tried within a reasonable time ;
  - (d) except on good cause shown, to be released on fair bail, pending trial ;
  - (e) to challenge the validity of their detention before a court of law, and to be released if such detention is not lawful.

## 5. Right to fair trial

- (1) In the determination of their civil rights and obligations or any criminal charges against them, all persons have the right to a fair and public hearing by an independent, impartial and competent court or tribunal established by law: Provided that, where the interests of juvenile persons or morals otherwise require, hearings may be conducted in camera.
- (2) All accused persons have the right -
- (a) to be informed, without unreasonable delay, in a language they understand, of the offence with which they are charged ;
  - (b) to be tried within a reasonable time ;
  - (c) to be presumed innocent until proven guilty according to law, after having had the opportunity of calling witnesses and cross-examining those called against them ;
  - (d) to be afforded adequate time and facilities for the preparation and presentation of their defence, before the commencement of and during the trial ;

- (e) to be represented by a legal practitioner of their choice, and to be informed of this right at the earliest opportunity ;
- (f) if they do not understand the language in which the proceedings are conducted or are deaf, to the assistance of an interpreter ;
- (g) not to be tried for or convicted of any criminal offence or on account of any act or omission which did not constitute a criminal offence at the time when it was committed ;
- (h) not to be tried again for an offence of which they have been finally acquitted or convicted ;
- (i) not to have admitted in evidence against them, any testimony obtained in violation of Section 4 (2) of this Charter ;
- (j) if convicted, not to have a penalty imposed exceeding that which was applicable at the time of the commission of the offence ;
- (k) to appeal to a higher tribunal on the grounds of error of law.

- (3) All persons have the right not to be compelled to give testimony against themselves or their spouses, who shall include partners in a customary union.

**6. Right to privacy and dignity**

All persons have the right not to be subjected to interference with their privacy, dignity, honour or reputation.

**7. Equality rights**

- (1) All persons are equal before and under the law and have the right to the equal protection and equal benefit of the law, and have an equal right of access to political, social and economic opportunities free from discrimination on grounds of gender, descent, race, colour, language, traditions, sexual orientation, origin, creed, religion, political affiliation or belief, social status, or mental or physical disability.

- (2) The provisions of sub-section (1) do not preclude any law, programme or activity which has as its object the amelioration of conditions of disadvantaged individuals or groups, including those disadvantaged by virtue of any of the grounds set out in sub-section (1).

**8. Right to freedom of movement**

All persons have the right to leave the Kei State. All citizens of the Federal Republic of South Africa and all persons lawfully admitted to

permanent residence in the Federal Republic of South Africa have the right to travel, move, reside and take domicile in the Kei State.

**9. Right to citizenship**

All citizens of the Federal Republic of South Africa domiciled in the Kei State for a continuous period of at least six months shall be citizens of the State and have the right not to be arbitrarily deprived of their citizenship nor denied the right to change their citizenship.

**10. Political rights**

- (1) All citizens of 18 years of age or older have the right to vote in personal, secret, free and equal elections for public representatives, and to stand as candidates in such elections in which they are eligible in law to stand.
- (2) All citizens have the right to form political parties, and the right not to be compelled to join or abstain from joining any political party.

**11. Right to education**

- (1) All persons have the right to receive a basic education. The law shall determine the period and minimum educational requirements for compulsory education.
- (2) All persons have the right to establish private educational institutions.



- (3) All parents have the right to participate in the administration and operation of their children's schools.

## 12. Right to work

All persons have the right to free choice of employment, to just and favourable conditions of work and to protection against unjust interference in the workplace.

## 13. Right to property

- (1) All persons have the right in any part of the Kei State to acquire, own and dispose of all forms of immovable and movable property, individually or in association with others and to bequeath their property to their heirs or legatees, subject to the reasonable exercise of the State's power of taxation.
- (2) The State or a competent body or organ authorised by law may expropriate property in the public interest subject to the prompt payment of fair market value compensation in accordance with requirements and procedures to be determined by law.

## 14. Right to family life

All persons of full age have the right to marry persons of their choice, and to establish a family.

**15. Duties and responsibilities**

- (1) The rights and freedoms of all persons shall be exercised with due regard to the rights and freedoms of others, collective security, morality and common interest, and all persons shall have the duty to respect and consider their fellow beings without discrimination, and to maintain relations aimed at promoting, safeguarding, and reinforcing mutual respect and tolerance.
  
- (2) All citizens of the Kei State shall have the duty to uphold this charter and constitution. All those who hold any of the offices provided for in this constitution shall take an oath or solemn affirmation to uphold and defend this charter and constitution, and to obey the law and exercise their public functions with dignity and honour.

**CHAPTER 2****THE STATE****16. Supremacy of the constitution**

This constitution shall be the supreme law of the Kei State and shall be applied and enforced to the fullest extent possible in all judicial and administrative procedures and in interpersonal relations under the control of the Kei State.