

THE FUTURE OF THE TBVC STATESINTRODUCTION

The African National Congress holds the view that Transkei, Boputhatswana, Venda and Ciskei are part and parcel of South Africa. Despite the so-called independence of these areas, in every respect these areas are not, and never have been independent. We belong together as part of one country. Whatever transitional mechanisms and measures may be considered necessary or appropriate in the case of each of the TBVC states and which can be negotiated, the ANC proposed that the principle of reincorporation should be accepted without delay.

We do not need sub-groups, sub committees, experts or agencies to tell us whether they should be reincorporation or not, it is a political question, not an issue for experts. Let us take that political decision first-before we do anything else.

Once we have taken this decision, we can devote our time fully and in a constructive way on how we see the process of reincorporation unfolding. In this regard the ANC is very mindful of the many practical issues involved. We believe that all the parties share the sentiments and guidelines contained in the Preamble to the Terms of Reference of this Working Group. These guidelines are very clear and they clearly indicate the direction of CODESA in this regard. The ANC is firm in its view on the principle of reincorporation of the TBVC States. But we are not inflexible on the process of reincorporation in each case, provided that the guidelines contained in the Preamble of the Terms of Reference are followed and that the people and parties in these areas will be enabled to participate in the whole process of transition and constitution making. *and that the issue of South African citizenship is resolved immediately.*

BACKGROUND

(1) The history and development of the indigenous people of S.A. was interrupted and arrested by white domination and Apartheid.

The boundaries of what became known as the "Native Reserves" were determined firstly by the Wars of Dispossession (which ended at about the end of the 19th century) and secondly by the Land act of 1913. The Black Administration Act No 38 of 1927 provided for aspects of administration in these "Native Reserves". This confinement of the African people into the "Native Reserves" coupled with Pass Laws formed one of the pillars of the Apartheid system.

From the time of the passing of the "Bantu" Authorities Act 1951, a series of laws and measures were implemented to consolidate what became known as the Bantustan system - as part of the grand Apartheid design. During the course of this process, ~~and~~ self governing Homelands (Bantustans) were created and consolidated. In the case of Transkei, Boputhatswana, Venda and Ciskei the process was taken further. Various "Status" Acts ^{were} ~~then~~ ^{passed} ~~in~~ declaring these "states" independent.

It is the view of the ANC that Bantustan independence was imposed upon the four areas concerned, and indeed upon the people of South Africa.

EFFECTS OF THE HOMELAND SYSTEM

The division of South Africa into the R.S.A and various TBVC States has not only divided the country, citizenship rights of millions were taken away with the stroke of a pen. It has also caused unnecessary divisions and conflict. That indeed has been the story of Apartheid.

But not only has the present arrangement caused division and conflict, it has caused huge inequalities and disparities between different regions. The Bantustan system has entrenched inequalities and differential treatment. This is not good for maintaining peace, security and stability in the country.

What is more, the present arrangement is ^{unnecessarily} considerably expensive and wasteful, like the maintenance of the tricameral administrations.

The present arrangement is therefore inequitable, wasteful and untenable.

THE ISSUE TODAY

of the The time has arrived for all of us to put the country and the whole of South Africa's people above petty or sectarian or narrow *interests* interests. The ANC appeals to all parties to rise above petty interests and to take a decision which is not only in the interests of the country as a whole, but which will also conform to international norms.

The decision on reincorporation is a key issue for all of us. Let us take that decision and move forward. It is the duty of all of us to put the past behind us. It is now generally agreed that Apartheid has been disastrous for our country and one of our tasks is to dismantle the Apartheid system and to build a South Africa which is undivided. All the signatories to the Declaration of Intent have committed themselves to the establishment of a democratic and united South Africa. The vision of CODESA is to undo the divisions caused by the Apartheid system. Part of the division in our country is precisely the breaking up of South Africa at ~~the~~ constitutionally and legally into Transkei, Republic of South Africa, Boputhatswana, Venda, Ciskei and possibly other states.

The ANC view is in line with the whole international community namely that South Africa - which includes the TBVC States - is one country. ~~Our~~ view, therefore, we repeat, is that our country must be reunited. This implies the reincorporation of the TBVC States into South Africa where they rightfully belong. The point must be made clear that Walvis Bay is part of Namibia, not South Africa.

It is necessary to remind ourselves that the process of creating "Native reserves" leading to the creation of the Bantustan system and the creation of the TBVC states took place against the wishes of the overwhelming majority of South Africa's people, who had no say in it whatsoever. In all the process there was no consultation with the affected people, no acceptable referendum and indeed no genuine testing of the will of the people at any time.

Indeed none of the TBVC States won recognition from any state anywhere in the world. The world community through the United Nations Organization declared Homeland independence as null and void and in conflict with the right of self determination of the South African people as a whole.

Again whatever perception the Administrations and the parties in the TBVC States have of themselves and whatever their intentions, good or bad, the objective reality is that the Bantustan or Homeland policy was developed and implemented in ~~the~~ ^{order} of and to serve the Apartheid system. And that is still the current reality.

At the risk of repeating ourselves, we are ^{re-emphasizing} ~~unduly~~ the importance of deciding at an early stage in this Working Group, on the reincorporation of the TBVC states into South Africa. Let us decide on that issue and this will make it possible to look at the mechanics or the process to be followed.

PROCESS OF REINCORPORATION

What we need to ~~try~~^{try} to find ~~Argument~~^{Agreement} on the process of reincorporation.

(1) The first question is into what kind of South Africa will the TBVC states be reincorporated into? Clearly nobody can expect such reincorporation to be effected into the present Apartheid structured South Africa. South Africa is still ruled by an Apartheid Government under the Republic of South Africa Constitution Act of 1983 (which excludes ALL AFRICANS).

Reincorporation can be agreed upon now, ^{as well as common citizenship} but the implementation process should form part of CODESA Agreements. It is also dependant upon the formation of an Interim Government (which should include the TBVC states.)

(2) The Second issue relates to the need to ensure the meaningful and democratic participation of all the people living in the TBVC states in the process of Constitution making and in all transitional arrangements.

In the ANC's view no matter what process is agreed upon, provision should be made for such meaningful and democratic participation without delay.

(3) A third issue relates to those concerns expressed in the Preamble. In this regard the position in each of the TBVC states should be carefully examined. Agreements should make adequate provisions to meet these concerns.

(4) A fourth issue relates to the kind of South Africa (from the point of view of territorial division) into which the TBVC states will be incorporated. This is an issue which in all probability will be addressed in Working Group 2, We would like to point out (as we indicated in our document on Constitutional Principles as far back as April 1991) that the ANC's view is that South Africa needs a strong central government, strong regional government. Hence we are in favour of the territorial division of the country into regions (which must not be ethnically based). In fact the ANC proposes 10 regions. The issue that needs to be resolved when the constitution is finalized is the distribution of powers between central government and regions as well as the creation of genuinely democratic structures which do not entrench minority domination or privilege. In our vision of a new South Africa, therefore the TBVC states will become part of non ethnically based regions within a united South Africa.

(5) There are other practical issues to be addressed. We reserve comment on them. Some of them may require the setting up of sub-working groups or committees. Our view is that before setting up committees or engaging experts, the Working Groups should first identify the issues in respect of which expert assistance or the setting up of sub. groups or committees may be required.

The role of experts must also be defined. They cannot be substituted as decision-makers for the Working Group. The specific issues on which their comments are required needs to be clearly defined.

(6) Finally the legislative and other measures necessary to effect a smooth and expeditious process of reincorporation must be considered. This however is not a difficult problem and will be further addressed by the ANC in due course.