

REPORT OF CONFERENCE
DEALING WITH THE REINCORPORATION
OF TVBC STATES, HELD ON 17 AND 18 JANUARY 1992
AT THE STRAND PAVILION, STRAND

1. **INTRODUCTION**

The Chairperson, Comrade Zola Skweyiya, in welcoming delegates, said that this was a continuation of the meeting held about a month ago where delegates brainstormed on the same subject. The preparation for that meeting was inadequate and as the subject became more prominent, it was decided to follow up on this meeting. It was also agreed at the earlier meeting that the process of reincorporation was closely connected to the demarcation of regions.

Comrade Zola said that regions will play an important role when he called for a federal form of structure for a future South Africa. At the Codesa meeting, homeland leaders accepted federalism as a constitutional option. We have not done our homework on this subject and we need to clarify our arguments for a unitary state and the need for regions in the future constitutional process.

We also stressed that we need further contributions on this issue by other institutions such as universities and we also need to co-operate with friendly homelands on this subject. We furthermore need to find ways and means to work on this important subject.

2. **TERMS OF REFERENCE OF THE WORKING GROUP ON THE FUTURE OF TVBC STATES**

Comrade Dullah Omar introduced the discussion on this particular topic. He said that this was the assignment of Working Group 4. The terms of reference was stated in neutral terms and required the Working Group to consider and report on all proposals and make recommendations. If we are required to put our position to the Working Group on reincorporation of TBVC states. We also need to know what the other parties to Codesa are thinking on this matter. In this regard we need to look at the specifics set out in clause 1.1.4 and 1.1.5 of the terms of reference of this group. The preamble sets out the common position of the parties.

Some of the proposals by the other parties to Codesa are as follows:

1. Bop insists that all decisions of Codesa be approved by the TBVC states and regards Federation as a high priority.
2. Transkei requires to know when would be the ideal time to reincorporate, what will happen to its assets, infrastructures, civil service, etc., and what would be the exact form of government in the new South Africa.

3. The Inyandza National Movement made no submissions.
4. The United Peoples Front of Lebowa wanted immediate reincorporation.
5. The Inkatha Freedom Party did not make specific proposals.
6. The South African Government was concerned about the manner in which the TBVC states will be affected by change of status and its application.
7. The Nationalists Party made constitutional proposals in terms of its proposed constitution, taking into consideration existing boundaries; in other words, excluding the boundaries of the TBVC states.
8. Ciskei was concerned about the legal and constitutional problems which the TBVC states will face. It proposed a committee for reincorporation to look into the question of treaties, debts, referendum, etc.

Other views and comments:

1. The Womens League of the ANC was concerned that there was no consensus with regard to the question of reincorporation. It left open the question of whether TBVC states will reincorporate or not. It will affect the time frames, particularly the question of how far we are taking the process before looking at the question of an interim government. The question of the desirability or otherwise reincorporation is a very open-ended one. They wanted to know what are the boundary demarcation for the ANC and particularly in regard to regional governments. The ANC must be definite on its constitutional proposals.
2. The Statement of Intent sets out a commitment to do away with apartheid. There is a contradiction between the position of the government and that of the Nationalists Party. To do away with apartheid effectively means the reincorporation of the TBVC states.
3. The Law Commission sets out the position between the government and the TBVC states. It spells out three options. The government and the Nationalists Party will in all probability argue the case put forward by the Law Commission.
4. What is meant by testing the will of the people? Is it the people residing in the TBVC states or the people residing in the whole of South Africa. It was proposed that people on both sides of the border should be involved in this test.
5. Who is affected by the right of self-determination. It is proposed that all those residing within the 1910 boundaries.

6. It was suggested that the South African Government will not put up a great fight for Bantustans.
7. There is a difference between the TBVC states and the self-governing territories.
8. The Bantustans violated the territorial integrity of South Africa and the right of self-determination of all the people. It is for this reason that the international community opposed the formation of Bantustans.

3. LEGAL IMPLICATIONS OF REINCORPORATION OF THE HOMELANDS

Before reading to his paper, namely Addendum dealing with the legal implications of reincorporation of the homelands, made the following remarks:

1. The history of the TBVC states shows that they are merely an existence of the administration by the South African regime. All laws passed in these homelands are replicas of South African laws.
2. Are we going to honour the debts of the homelands. What is the future of the civil service. There should be little displacement of existing administrative structures, but if displacement is necessary, it must happen in the top echelons and not amongst the lower ranks. The TBVC states must form part of regions.

The following input were made by other delegates:

1. What is the status of TBVC states. The Nationalists and their colleagues will provide political argument that they are de facto independent states. In terms of international law, they are a nullity. In Bop, the Judge side stepped the argument by Professor Dugard when he challenged the legality of Bop as an independent state. In Namibia the International Court found that all laws passed by South Africa is null and void, save and except non political laws such as marriage, property, etc. These states were the product of apartheid. Apartheid was declared a crime against humanity and whatever follows is a nullity. If TBVC states are a nullity, some authority must be exercised and that is the South African authority. One of the consequences of the Bantustan policy was the compulsory loss of citizens by approximately 9 1/2 million people. The South African regime committed a serious crime and there is an obligation on it to restore the status quo ante 1976. It must be a political demand that all citizens must be restored their South African citizenship.

There is a succession of state debts when there is a change of sovereignty. The TBVC states have never been states. If they were, no country other than South Africa recognise these states. South Africa is liable for normal commercial intercourse. Countries which contracted with these states cannot enforce it in terms of international law. The TBVC states acted as agents of the South African government. The obligations of the TBVC states should be respected by the South African government. We must hold that the South African government must resolve this problem.

2. The question of Federalism and unitary system is important. There could also be a hybrid system for example provinces. The extent to which certain functions will be allocated to regional structures must be spelt out. There are different kinds of Federalism, for example the United States or Nigeria. We should have a paper on Federalism.
3. The Nationalists have been persuaded that no elections in South Africa shall be free and fair if a substantial body of its people are excluded from the electoral process. Let us throw the onus on the South African government. How can we have a democratic process when a large portion of the country has been hived off without a democratic process.
4. One cannot accept that the government will not fight for the Bantustans. They envisage 9 regions and they will seek a role for the Bantustans within such regions. They will fight for the retention of Bantustans within those regional structures.
5. We need to link the reincorporation of the TBVC states with interim government. The solution is a political one and once such solution is found, to look at the legal process and mechanisms.
6. We need to look at the implications such as treaties, debts, etc. Our vision is to have reincorporation in a democratic government. It is not an event, but a process. The time scales could be different in different TBVC states.
7. Despite the fact that in terms of international law the TBVC states is a nullity, there are de facto situations such as army, police, administration, etc. The process of reincorporation could be staggered, example the Declaration of South African Citizens could be done immediately, the question of vote for a constituent assembly could be done immediately and the other aspects of the process could take place later, such as the reincorporation of the army, police, administration, etc.
8. We should ask ourselves whether there is a need for reincorporation of the TBVC states. The answer is in the affirmative. The next question which follows is what steps need to be taken to reincorporate the TBVC states. How are we going to relate matters on the international level and

on the practical level. We must be consistent throughout in our approach.

9. We must also ask ourselves whether reincorporation will take place at the interim government stage. We must acknowledge that such government is not democratic.
10. We should not engage on regional or racial elections.
11. We need to look at what is meant by Federalism. There might be good features and bad features in Federalism.
12. We should not accept debts which are nullities in terms of international law. Do we want immediate reincorporation or delayed reincorporation. The border region of the ANC opted for delayed reincorporation. When it comes to debts, we must examine what the loans were used for. If it was used beneficially for the benefit of the people such as putting up buildings, etc., such debts must be honoured. But if such debts were incurred for the benefit of certain individuals, then such debts must be repudiated. Because if all debts are repudiated, there could be undue enrichment.
13. The relationship between TBVC states and self-governing states should be examined. The first step would be to reduce the TBVC states to self-governing states and the second step would be to look at the reincorporation of all self-governing states.

4. ROLE OF THE INSTITUTION OF CHIEFTAINSHIP AND INSTITUTIONS OF CIVIC SOCIETY

Brigitt Mbandla spoke on how the institution of chieftanship impacts on gender.

1. The pertinent issue relates to the power of the Chiefs in the historical and contemporary context. In the historical context, traditional Chief has legislative, executive and judicial powers. These powers have been curtailed with the advent of colonialism. The Chief in the contemporary setting has executive powers but they are regulated by state policy. In a sense, they are assigned to implement state policy as agents for the colonial and apartheid regimes.
2. The application of customary law is circumscribed by the ordinary law of the land and limits the jurisdiction of the chiefs. Traditionally, the power of the Chiefs is confined to a local area. The Law Commission gives skeletal sketch of the role of Chiefs in the present day. The power of Chiefs which lead to conflict is in the application of Womens Rights. The primary tasks of a Chief are the allocation of land and adjudication over matrimonial matters. Women are particularly concerned of laws relating to marriage, inheritance and family. Women are opposed to poligamy.

This is seen as an oppressive institution and directly in conflict with human rights. It is also critical on the question of inheritance in accordance with customary law. It is a potential for causing hardship to women. Women also have difficulty in getting allocation of land. This impedes development and increases the impoverishment of women.

3. The question that needs to be answered is in what form will the institution of Chieftainship be reinstated? What does it presupposes? Does it mean greater power to Chiefs. What does it mean to land reform.
4. We must look at countries like Zimbabwe, Namibia and Botswana. In these countries powers of chiefs are merely advisory. In Botswana the House of Chiefs has advisory powers only. Botswana is predominantly organised on tribal lines. The Chiefs are ex-officio members of rural authorities and preside over popular assemblies like Khotla meetings. In the past, women were barred from such meetings, but they are now allowed to attend such meetings.
5. In Zambia the House of Chiefs discuss and consider matters referred to it. They are regarded as agents of the state. The appointment of chiefs is by the State President of Zambia. There is more control of chiefs in Zambia than in Botswana. The Institution of Chiefs in Botswana is far more developed and will be useful to look at as an example.
6. In Zimbabwe the rural community is very conservative and although certain advances have been made in the field of family law, generally they are still very retarded. There are more than 70% women in the rural areas of Zimbabwe. In the economy and allocation of land, women are still discriminated against. Women are under-represented on these rural structures and there is no improvement to the position of women, particularly in the rural areas.
7. The constitution of the above countries does not specifically entrench womens rights. They are, however, covered by the Bill of Rights. Both customary and ordinary laws are enforced in Zimbabwe unless such laws conflict with the constitution, in which case they are null and void.
8. Womens rights should be preceded by an educational programme. There is no contact between the Womens Group and Contralesa.
9. The question that needs to be answered is whether the institution of Chieftainship can co-exist side by side with democratic institutions and particularly in the background of human rights culture.
10. A research should be done on the question of Chieftainship in a future South Africa. We need to address the question of hereditary leaders.

There is usually conflict between the people and the Chiefs. The people are challenging chieftanship on the basis that it is undemocratic.

11. In the homelands, Chiefs play a dominant role. In the ANC Constitutional Proposals, provision was made for a House of Chiefs. At the local level, the chiefs are in control. They need to be accommodated. The interim government will also have to deal with the role of Chiefs. How do you reconcile the hereditary institutions with the principle of non-racialism. Most parties at Codesa feel very strongly about hereditary rulers. When the question of the Zulu King came up, other homelands also produced Chiefs, demanding representation at Codesa.
12. Other parties used Chiefs to recruit members. This creates conflict. This is however an important factor to be taken into consideration. There is conflict between the ANC and the homeland parties because of hereditary rulers.
13. On the question of non-sexism, these institutions are predominantly male. Successors are appointed in terms of blood descendants. How do we reconcile this institution with non-sexism. The institution is undemocratic. If you say that Chiefs are to play a role on the local level, how do you reconcile it with democracy? There is no regular elections in the appointment of Chiefs.
14. In urban areas, the target was the community councillors. In rural areas the targets would be Chiefs. They are not accountable. They do not accept mandates. Some Chiefs, however, consult but others say no to the principle of democracy.
15. This has created problems for the ANC in rural areas. Several meetings held between the ANC and Controlesa and other bodies to address this particular problem.
16. The Village Council or tribal authorities are not democratically elected. They are appointed by the Chiefs. We will not be able to do away with Village Councils or tribal authorities, but we will have to try and democratise such institutions.
17. Tribal Courts do take place, although their powers have been curtailed. What do we say to these institutions. Do we close them and transfer the cases to the Magistrate's Court. In rural areas, Comrades took over the Tribal Courts and called them Peoples' Courts. We need to address these problems and improve these institutions and see how we can make them relevant and democratic.
18. Perhaps we need a charter on Hereditary Chiefs or a House of Chiefs to address these problems.

Thozamile Botha made the following input.

1. We must recognise that the Institution of Chieftainship forms part of the African community and we must recognise the role of Chiefs. Their powers are exercised through Council. The Chief does not operate in isolation.
2. The Chief held land in trust on behalf of his tribe. He amassed tremendous powers to himself and one gets the impression that he has absolute power.
3. Representation on the Council is drawn from the community. They are drawn from Headmen and people with leadership qualities.
4. Colonialism and apartheid not only involved themselves in the appointment of Chiefs, but also of Headmen. This institution became more and more instruments of the State.
5. In Botswana the Chief play an important role in decision-making, particularly in rural areas. In Botswana, land is a national resource and are allocated by Boards. In Botswana, however, there is a single tribe which lends itself to harmony.
6. In Zimbabwe on independence, all powers of Chiefs were withdrawn and placed in institutions created by the new constitution. The right to allocate land, judicial function were taken away and rural and district councils were created which were vested with these powers and functions. Chiefs control the migration of people and the government used such function to control urbanisation and squatting. One needs to take into consideration certain cultural aspects before considering the question of withdrawing powers of Chiefs. In South Africa there is no one single view on this matter. There are two main view points - Contralesa proposes a role for Chiefs on the national level and for seats to be reserved in the legislative organs. The other view is the creation of a House of Chiefs on a national and regional level to advise on matters affecting them.
7. The Civics say the Chief's function should be ceremonial. They could run for elections to any office, but on the same basis as anyone else. At Village and District levels, the Institution of Civil Society to make recommendations to regional and national government. There is consensus that Chiefs should continue to play a role. The communal land ownership should continue. Such institutions exists. We need to recognise it and see how these institutions can effectively be used for the benefit of the people. We need to find mechanisms to make these institutions work for the people.

The following input was made by Pat Holomisa on this topic.

1. Contralesa is saying that the ANC is playing lip service to the role of Chiefs. On the other hand youth are challenging these institutions.
2. The role of Chiefs in enforcing customary law in relation to women, I want to stress that the Chiefs do not make such laws. They merely articulate the position of the community. If the people on the ground are educated on progressive principles such as rights of women, acquisition of land, then the community can instruct the Chiefs to accept such principles. It is the duty of our structures to educate the community to articulate these views.
3. Customary law which is not in conflict with the constitution, should be retained. If the constitution says that there should be no discrimination on the grounds of sex, then Chiefs should accept the position.
4. On the question of non-racialism, the argument is we are in Africa. Other people found the system and they must therefore abide by the system. Compromises will have to be made on this matter. Although powers have been taken away from Chiefs, they continue to exercise their powers with the consent of the community. They are not imposing themselves on the community. There is conflict between the youth and adults. The Institution of Chieftainship is relevant. It can possibly be phased out later. Although the Institution is undemocratic in that the Council of Chiefs is not properly elected, the Chief rules in Council, that is with people recognised by the community.
5. Contralesa proposes that Chiefs should rule with elected Council members as Headmen. In certain areas there might be resistance to this concept, but these people might have to be educated.
6. The Chieftainship has quality of resilience, despite onslaught by various forces. Contralesa is building up comradeship amongst traditional leaders so that progressive ideas could filter through to the ground.
7. Homeland parties bolster their support with traditional leaders. Contralesa's position is that there should be no homeland parties as it is based on tribalism.
8. On the relationship between reincorporation and the role of Chiefs, what is the attitude of Chiefs to reincorporation. Contralesa is in favour of reincorporation. Complications however is created by homeland parties who might not be interested in reincorporation.

9. We must accept that the Institution of Chieftainship will remain with us for a long time. We must take the position of 1910 as far as Chieftainship is concerned. We must use the word "hereditary / traditional leaders" and not "Chiefs".
10. On sexism in customary law, the Natal code confined women to perpetual tutelage. The code was amended to give women rights.
11. The Tribal Courts should be retained and the Civics should rather concentrate on administrative issues. We must guard against radical removal of past customs and move towards democracy on a gradual basis. It was proposed that reserve seats be given for hereditary leaders instead of creating a House of Chiefs. A choice should be made whether hereditary leaders should come into the mainstream of political institutions or remain in hereditary structures such as House of Chiefs. They cannot serve in both institutions. The social and economic formations in Botswana is improving. The villages in Botswana are becoming modern.

Contributions by other delegates.

1. The ANC is a mass movement incorporating several interest groups. The interest of the mass movement to be taken into consideration. The principle of exception can lead to a flurry of exceptions. We must have notion of democracy to apply. There cannot be exceptions. In the negotiating process, the principle of democracy must permeate throughout. The Boers will argue for special treatment. The Bill of Rights had overriding priority over any matter.
2. The Chieftainship should be seen in the light of reincorporation. Without creating structures, we must know what role they are going to play. The question of lay participation in the administration of justice is to be considered. We must isolate this question from the negotiating process. How do we protect these traditional leaders. How do we avoid discussion of this matter at Codesa and put it forward to the Constituent Assembly to consider.
3. Culture and customs underpin the subservience of women. In negotiations there are certain fundamentals. They are non-racism and non-sexism. Culture and customs militates against such principles. The notion that we must gradually take to democracy, creates problems. Sensitivity to culture and customs should not be against fundamental principles. Cultures which strengthen particular power groups cannot be entrenched in the constitution. The question is how do we reconcile hereditary powers with democracy.
4. If we create institutions, we cannot have them exclusively for one group. It must embrace all. The discussion of this issue is very relevant to the transition taking place.

5. DEMARCATION OF REGIONS

Albie Sachs made his input when presenting a paper on the ten proposed regions for a democratic South Africa. In his introduction, Comrade Albie said that the Constituent Assembly should look into the question of regions. The discussion is not very clear. The NEC did not consider the matter, nor was the matter brought to the attention of the broader democratic movement. The regions must have regional administrators appointed by the central government. These questions are to be raised by the policy conference in April 1992 which is to be held at UWC.

The question of the demarcation was not considered fully a few weeks ago. The discussion was very emotive and a small Working Group was asked to concretise ideas voiced at that meeting.

In presenting the paper on the ten proposed regions for a democratic South Africa, Comrade Albie said the ANC must come out with clear policy statement and this document should be discussed by the structures of the democratic movement.

In his summary, he referred to the territorial dimension, the constitutional dimensions and the political implications of the ten proposed regions.

Attached to the paper was an extract from the South African Law Commissions Report on constitutional models, volume 1 dealing with section on unitary/federal state.

The following contributions were made by various other delegates.

1. It was suggested that other parties will come with all sorts of maps based on language groups, ethnicity, etc. Our regions are not based on ethnic, cultural or language basis. They are based on economic units that is development regions plus the 1910 boundaries.
2. We need to construct a rational framework for boundaries. Mafeking and Mbatho were placed in Western Transvaal while the 1910 boundaries placed it the Northern Cape. This could be a point of contention.
3. We need to discuss this document within our own structures and we need to make alliances with other parties in support of our regions.
4. Some delegates criticised certain short-comings in the document, particularly relating to the question of Federalism/Unitary system. As suggested, this document should not be circulated to our structures. A unitary State will empower our people and transfer of power starts at the National Assembly. To remove all vestiges of apartheid, we will require that power be vested in a central Parliament, particularly when it comes to the question of reconstruction, development, democracy, accessibility,

the transfer and allocation of resources. Democracy also means that Government must be near the people. This could be achieved by devolution of power. We must have empowerment on the basis of democracy. This document should relate to the policy of the ANC. It does not clearly set out such policy.

5. The essence of Federalism is the entrenchment of power in regions. We must educate our people on what we mean by decentralisation and devolution of power. We must explain these terms.
6. This document, according to one delegate, presumes too much and suggests that the first election will be in the form of a referendum. Page 8 takes ethnicity into consideration. There is, however, no objection to the ten regions as outlined.
7. The document is very useful, but it needs to spell out more clearly what is meant by a Unitary State. We should look more specifically at functions and powers in explaining the term Unitary System. We could take those functions and powers that were given to provinces in 1910.
8. The problem with the document is that it pre-emptes the Constituent Assembly.
9. We must separate territorial demarcation from powers of these regions. We must prepare large maps for purpose of our negotiations. This document actually argues the case for Federalism. It does not argue a case for Central Government. It does not make mention of Local Government. We must put forward our argument why there should be Central Government which is as follows:
 - a) To remove the vestiges of apartheid;
 - b) To encourage democracy and development;
 - c) Do away with the disparities of apartheid;
 - d) To effect reunification of our country and move away from divisions created by apartheid.
 - e) Apartheid polarised our people and we need nation-building. We need to transfer resources equitably.
 - f) In the context of socio-economic monopolies, we need to dismantle and control such monopolies.

10. If we think of Central and Regional Government, we must identify powers. We must not talk of powers in abstract. It can be misleading. Functions and powers relating to education, housing, health, welfare rights normally allocated to regions. In South Africa there is no peculiar regional problem. The crisis is a national problem and not peculiar to a particular region. The central power is to decide on National Health Policy, Housing Policy, Economic Policy, etc. If we identify these powers, we will be able to see why Central Government is important.
11. As far as the Government is concerned, the nine regions were cast in socio-economic criteria but based on political considerations, namely the entrenchment of the homelands in these regions.
12. If we examine the proposed regional breakdown on page 14, particularly the figures given in respect of Kwa Zulu, Bop and Ciskei whose leaders are advocating Federalism, the figures militates against Federalism. The leaders are obviously misleading their people. We must therefore take this matter to the people of those homeland states. We must tell them that they are being misled and present them with the figures.
13. We must restate our position for a strong central government with strong regional and local participation.
14. The relationship between regional and central government usually polarised the debate. One argues either strongly for a central government or for a federal government. The two should not be counterposed. We need a strong regional government and a strong central government. Participants at Codesa argue strongly for Federalism. We must go well prepared. We require technical help to prepare maps for such arguments. UWC can possibly provide such assistance.
15. At the last meeting, Comrade Kader Asmal gave a paper on Federalism. A simplified version should be prepared for distribution and discussion among our structures. The present paper is about regions. We must only refer to Federalism and the unitary system in this paper, but not have elaborate discussions on the two systems in this paper.

6. ECONOMIC IMPLICATIONS OF REINCORPORATION

Paul Daphne in presenting this paper said that it was a brief overview of the economic implications.

1. He referred to table 1 in the paper and explained the source of revenue of the Bantustans. He said that one third of the income of TBVC states comes from customs union agreements. Bop receives effectively 62% of its income from South Africa, and only generates 38% from internal

sources. He also presented the budget of Bop and the sources of its funds.

2. He then referred to table 2 referring to population distribution and contribution to GDP. He pointed out that the population of the Bantustan amounted to 42.5%, but the GDP was only 7.6% while the rest of South Africa's population was 57.5% and while the GDP was 92.4%. This clearly illustrates the disparities created by apartheid.
3. The TBVC states cling to independence because of the income they receive from the Custom Union Agreement. These Bantustans did not belong to the Custom Union of Southern Africa, but South Africa represented them at the Union and shared the income with them.
4. With reincorporation, there will be unemployment.
5. The regime could employ the functionaries in Pretoria and when it comes to affirmative action they could say "Look at all the black faces in the civil service".
6. On reincorporation, what happens to foreigners in these homelands.
7. How does the budget of TBVC states compare with self-governing territories.
8. Affirmative action might be required within regions not necessary to transfer resources from other regions. Casinos seem to be the major source of income. While Bop has mining interests and other source of income is migrant remittances.
9. The Regional Development Policy is a national policy for all regional areas. We must include local authorities when working out the powers of regional government.

7. ALLOCATION OF TASKS

Before looking at the allocation of tasks, we need to have the following tasks identified.

1. We must prepare documentation setting out the guidelines on this subject to facilitate negotiations.
2. We have not popularised our position because of the fear of pre-empting the work of the Constituent Assembly. Documents should be prepared to stimulate discussion within our structures.
3. We should organise a broader forum to discuss and interact with other groups.

4. The final document should be prepared in the light of discussion.
5. Regional workshops to be held to discuss these matters. Invitations to include the ANC structures, civics, sympathetic organisations and homeland structures.
6. To expand the group wider than lawyers to avoid the presentation being too legalistic.
7. To address in detail the customary laws in relation to democracy.
8. We face a huge task and need assistance on the ground. We also need technical assistance in this regard.
9. We need to prepare a memorandum giving reasons for reincorporation, i.e. why reincorporation is necessary.
10. A document should be prepared on the status of the TBVC states in our law and in the international law. A document should be prepared on the human and social problems resulting from reincorporation.
11. In the preparation of the above, the following should be made available:
 - a) The document Quo Vadis TBVC, a document prepared in 1990.
 - b) The Research Department of the ANC to provide available documents to avoid duplication. This need to be structured properly.
 - c) We should not discuss the systems of law in the TBVC. They inherited some laws. They have different statutory provisions. There is no proper record of laws, proclamations, regulations which apply to these TBVC states.
12. There are also consequences flowing from government actions over the past, like the question of pensions, acquisition of property, treaties, debts, etc.
13. In allocating tasks, we must be guided by the terms of reference of this working group.

The following further tasks were identified:

1. Reasons for reincorporation.
2. Status of TBVC states.

3. Human and social problems.
4. Process of reincorporation in relation to transition period.
5. Economic and financial implications.
6. Traditional Leaders.
7. Territorial divisions / structure of government / devolution and decentralisation.
8. National Policy on regional development.
9. Implications of reincorporation on, economy, judiciary, law, administration.
10. Interim Government / Constituent Assembly affecting TBVC states.
11. Consultation with people, example Referenda, those for and against Referenda.
12. Constitutional steps to be taken to effect reincorporation.

The following tasks were allocated:

1. A full report on the proceedings of this meeting to be made available by the scribes by the end of next week.
2. The comrades at UWC to prepare a small booklet taking into consideration the discussion for purpose of distribution to our people to stimulate discussion on the subject.
3. The committees who were initially entrusted with the tasks of preparing the papers presented at the conference are entrusted with the further task of redrafting the papers in the light of the discussions emanating from this conference.
4. Comrade Fink Haysom to do Interim Government and constitutional steps.
5. Comrade Bulelani, Dullah, Brigitt and Albie to do structure of government/devolution and decentralisation.
6. Comrades Seth, Pat and Brigitt to do role of the Institution of Chieftainship and Institutions of Civic Society.
7. Comrades Paul, Job and the Department of Economic Development of the ANC to do economic implications and development.

8. Comrade Bulelani and Dullah to do Legal Implications.

(These papers should be short and available as resource material.)

8. NEXT MEETING

No particular date was allocated for the next meeting, but such meeting is to be held before 6 February 1992.

9. CLOSURE

The meeting closed with a vote of thanks by Comrade Zola.