

KwaZulu Natal



Indaba

P.O. Box 2925 Durban 4000 Republic of South Africa Telephone (031) 301-5998

STATEMENT BY THE CHAIRMAN: PROFESSOR N D CLARENCE

The Chairman of the KwaZulu/Natal Indaba, Professor Desmond Clarence, said today that the people of KwaZulu and Natal would soon have the chance to help usher in a bright new future for themselves and their fellow South Africans.

Speaking after a major vote had been reached on a constitutional blueprint for the combined region, he said that the Indaba was a watershed event that held out great hope for South Africa.

"I firmly believe that my fellow South Africans of all races have a deep yearning for peace," Professor Clarence said.

Professor Clarence said the eight-month negotiation process had been difficult and frustrating at times, but provided living proof of the value of negotiation between men and women of sincerity. He said one of the delegates to the Indaba had made the observation that Natal should become a signpost rather than a mirror of problems besetting the country as a whole.

"It is my sincere belief that what we have achieved is such a signpost to a new South Africa and it is my hope that the Indaba might soon be mirrored elsewhere in our country."

In due course the people of Natal KwaZulu will be asked to give their support to the proposals and thereby demonstrate their confidence in the future.

Ends.

Friday 28 November 1986
Durban City Hall
Republic of South Africa

KwaZulu Natal
Indaba
Constitutional
Proposals

KwaZulu Natal



FRIDAY 28 NOVEMBER 1986

Indaba

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P R E S S R E L E A S E

The KwaZulu Natal Indaba decided by majority vote today on a new system of provincial government which would treat the region as a political unit with universal adult suffrage and constitutional protection of minority rights.

The agreement, reached after eight months of negotiation behind closed doors by 39 political and other interest groups from the region, provides for a two-chamber legislature with wide powers, a provincial governor, a prime minister and 10-man cabinet, a Bill of Rights, an independent judiciary and "cultural councils" to protect major cultural rights.

The agreement would require the sanction of the Central Government before it could be implemented and it is envisaged that the proposals would first be put to the people of Natal and KwaZulu for approval by way of a referendum.

The agreement provides for:

- **A 100-member legislative chamber elected by universal adult suffrage through a system of multi-member, constituency-based proportional representation. The percentage vote captured by any group would be directly reflected in membership of the chamber.
- **A 50-member second chamber equally representing African, Afrikaans, Asian and English background groups as well as a South African group representing voters who prefer not to vote according to "background".
- **A Prime Minister responsible to the first chamber and a cabinet of 10.
- **A Governor, appointed by the State President on the advice of the provincial legislature.
- **A Bill of Rights (as already published by the Indaba), constitutionally entrenched and enforceable against the Governor and all organs of government at provincial level in Natal.

/**Constitutionally

recognised

KwaZulu Natal



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PRESS RELEASE

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**Constitutionally recognised cultural councils for the protection and promotion of the cultural rights and interests of groups representing the principal segments of the Natal population. The councils would have the 'locus standi' to apply to the Supreme Court for judgment on the validity of legislation affecting language, religion, traditions, customs and culture.

**Proportionally elected Standing Committees drawn from both chambers of the legislature to consider and amend legislation after first reading.

**Retention of the existing system of local government in Natal, until amended, its gradual extension to present KwaZulu areas and constitutional entrenchment of local government powers.

**Traditional authorities (in KwaZulu) to be treated as part of the system of local government. Provision is to be made for a council of chiefs.

**Division of the present KwaZulu/Natal into regions where indirectly elected authorities would be responsible for provision of basic services and for co-ordination of regional development.

The Prime Minister would be the leader of the party which secured an overall majority in the first chamber in an election, or, if no party or coalition of parties secured an overall majority, would be elected by the legislature (both chambers).

The Prime Minister would have the right to appoint half the cabinet (if his party secured an overall majority), the other half being elected by an electoral college consisting of members of all other parties represented in both chambers. Each group represented in the second chamber will be guaranteed a seat in the cabinet.

Any election by the legislature or an electoral college would be by proportional representation using the single transferable vote system.

The legislature/

KwaZulu Natal



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PRESS RELEASE

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The legislature would be able to force the resignation of the Prime Minister by a two-thirds majority vote (both chambers).

For elections to the first chamber, the Province would be divided into 15 constituencies. The number of seats allocated to each constituency would be determined by an electoral commission. Constituency seats would total 66. The balance would be allocated to parties or groups in proportion to electoral support gained, using the "list" system (similar to that employed in Australia).

The overall effect would be exact representation of any group or party in the first chamber in proportion to its percentage of electoral support.

Each "background" group would elect 10 members to the second chamber, by proportional representation across the entire Province.

Legislation would have to be ratified by the relevant Standing Committee and passed by both chambers before coming law.

Standing Committees would proportionally represent all parties in the legislature.

Legislation affecting language, religion, or cultural rights would require the support of a majority of that particular "background group" in the second chamber.

Ends.....

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P R E S S R E L E A S E

EMBARGOED:

The Indaba's proposals would give wide powers and a high degree of autonomy to the new Province, most of them already enjoyed by the existing KwaZulu Government.

Certain Central Government functions would remain, however, and these are clearly defined.

Among the functions which would be allocated to the Provincial government are:

- *Revenue collection
- *School education
- *Economic, social and financial planning
- *Health services, including Social Welfare
- *Agriculture, Forestry, Veterinary and Conservation services
- *Physical and Land-use Planning, including Housing Schemes
- *Tourism
- *Local Government (including tribal authorities).

Among functions reserved for Central Government would be:

- *Foreign Affairs
- *Defence
- *National Intelligence
- *Police
- *Prisons
- *Posts & Telecommunications
- *Railways & Harbours
- *Commissioner of Inland Revenue
- *Customs & Excise
- *Water Affairs

*Labour Union/.....

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PRESS RELEASE:

EMBARGOED:

- *Labour Union & Arbitration matters
- *Trading licences in respect of mines, professions and arms and ammunition.
- *The appointment and functions of the Auditor-General.

The Indaba proposes that the Provincial government be given authority over a "Natal Regional Force", certain police matters and certain aspects of the administration of justice, though these would have to be decided in consultation with the Central Government.

Ends.....

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NAMES OF ORGANISATIONS REPRESENTED AT THE KWAZULU NATAL INDABA

BOROUGH OF PINETOWN
AFRIKAANSE HANDELSINSTITUUT (NATAL REGION)
BLACK ALLIED WORKERS' UNION
DURBAN CITY COUNCIL
DURBAN METROPOLITAN CHAMBER OF COMMERCE
DURBANSE AFRIKAANSE SAKEKAMER
FEDERASIE VAN AFRIKAANSE KULTUURVEREENIGING
INDABA CO-CONVENOR
INKATHA
INYANDA CHAMBER OF COMMERCE
ISLAMIC COUNCIL OF S A
JUNIOR RAPPORTRYERBEWEGING
KWALOGA
(KwaZulu Local Government Association)
KWAZULU CANE GROWERS' ASSOCIATION
KWAZULU GOVERNMENT
LABOUR PARTY
METROCOM
NATAL AGRICULTURAL UNION
NATAL ASSOCIATION OF LOCAL AFFAIRS COMMITTEES
NATAL CHAMBER OF INDUSTRIES
NATAL LAW SOCIETY (Observer)
NATAL MUNICIPAL ASSOCIATION (Observer)
NATAL CONSULTATIVE AD-HOC COMMITTEE
NATIONAL PARTY (Observer)
NATIONAL PEOPLES' PARTY
NEW REPUBLIC PARTY
PEOPLES' CONGRESS PARTY
PROGRESSIVE FEDERAL PARTY
PIETERMARITZBURG CITY COUNCIL
PIETERMARITZBURG CHAMBER OF COMMERCE
REFORM PARTY
REGIONAL DEVELOPMENT ADVISORY COMMITTEE (Region E)
S A HINDU MAHA SABHA
S A SUGAR ASSOCIATION
SOLIDARITY
NATIONAL COUNCIL FOR AFRICAN WOMEN
TRADE UNION COUNCIL OF SOUTH AFRICA (Natal area)
(T U C S A)
WOMENS' BUREAU
CATHOLIC WOMEN'S LEAGUE (Observer)

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P R E S S R E L E A S E

EMBARGOED:

The Indaba proposes that all laws applicable in Natal and KwaZulu at the time of commencement of the new constitution should remain in force until they are repealed by the competent authority.

This could be the Provincial legislature or the South African Parliament. The constitution should also contain a provision to deal with possible conflict where three sets of laws (parliamentary legislation, KwaZulu legislation and Natal Provincial Ordinances) apply to various parts of the same region and could even in cases overlap.

In respect of matters entrusted to the competency of the Provincial legislature, it should have the power to amend or repeal any Act of the South African Parliament.

No Act of the South African Parliament which deals with a matter entrusted to the legislative competency of the Provincial legislature and made after the commencement of the new constitution should apply to Natal.

The Natal legislature would have full powers to make laws for the Province within the functions of government entrusted to it.

Ends.....

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CENTRAL GOVERNMENT

