

SUBMISSION OF THE UNITED PEOPLE'S FRONT ON "TESTING THE WILL OF THE PEOPLE OF THE T.B.V.C STATES" ON THE 1992.02.24 TO THE SUB COMMITTEE ONE OF WORKING GROUP 4 "OF CODESA" THE FUTURE OF THE T.B.V.C STATES

DOCUMENT B. HERETO ATTACHED HAS REFERENCE TO THE FOLLOWING STATEMENTS:

- 1.1. The United People's Front has categorically stated on many occasions both within and outside Codesa that it supports and stands for a united South Africa. We do not therefore encourage the fragmentation of the people of South Africa into separate groups based on ethnicity. We reject the ballcanisation of our country hence our call and demand for a unilateral action on the part of the South African Government to pass a re-incorporation enabling Act to make re-incorporation possible the same way it made independence possible. When independence was granted the people of South Africa were not given a choice between whether or not they want to be independent. It was the policy of the Nationalist Party that it should be granted the way it deed. This is not correcting wrong by another wrong because it is correcting the wrong that was committed not by the people of South Africa as a whole but by a minority of the people of South Africa which did not get a mandate from the people of this Country.

- 1.2. We maintain that we cannot rely on or our decisions should not and cannot be taken only on the basis of the Governments of the T.B.V.C states specifically and that of the South African Government in general. Our stand on these issues is that, if a true democratic step is to be taken, a national referendum of all the people of South Africa including the T.B.V.C states must be made possible and that it should be a Codesa exercise. The South African Government could not be convinced for more than sixty years that its rule was undemocratic. The insistence by some delegates that no referendum is necessary is a negation of true democracy.

The T.B.V.C states are an integral part of the Republic of S.A. economically and otherwise. It is within the knowledge of the South African population as to what is happening in those states. We are witnesses of what happened then and now in those states.

2. The Working Group Steering Committee in considering the implication of the attitude of T.B.V.C states not favouring re-incorporation should recall events in South Africa. We stated above that we would not be bound or that we cannot favourably consider the Government attitude. Our stand is that the attitude of the Government both of the Republic of South Africa and the T.B.V.C states should be complementary to those of the people of South Africa. The W.G.S.C should be guided by the responses of the delegate to item 1.2 of Working Group Working Document B on this issue.

The challenge Chairperson is very valid because the Declaration of Intent talks about a democratic non-racial non-sexist united South Africa based on one person one vote on a common voters roll with regular elections. No details are given. This chairperson seem not to form part of our terms of reference. We will depend on the progress and report made by the relevant W.G. It is not for us to sit back and wait for someone to tell us what our new State, South Africa, should be like constitutionally. We maintain that our presence and participation in Codesa is to canvass support on this issue. What is then the purpose of Codesa, we believe we are here as delegates representing different parties, organisation, movements and governments with pictures in our minds of the kind of Constitution (state) we want. It is therefore the duty of our delegates in the relevant W.G to articulate your proposal and make sure that they are acceptable to most delegates if not all delegates. It is one thing to fail to convince most delegates about your constitutional proposal (state) and another issue not to know anything about the kind of new S.A. your delegation is canvassing. Our constitutional proposals are hereto attached for your consideration.

The people of the T.B.V.C states must be kept informed to avoid unfortunate misunderstandings. An important feature here Chairperson is the existence of information infrastructure in the T.B.V.C states controlled by the states themselves. In as much as we in U.P.F would demand and support a joint monitoring or controlling body supervised by Codesa of all information media in South Africa we maintain the same must happen in the T.B.V.C states. This would help minimise if not eliminate the use of the media by one at the expense or to the detriment of the other.

DOCUMENT B

Whereas the parties at Codesa have committed themselves in the terms set out in the Declaration of Intent as amended from time to time

1. In respect of those members who support re-incorporation, there appear to be three alternative procedures:

1.1 a unilateral action on the part of the S.A. government;

1.2 assuming that the governments of the TBVC States are sufficiently representative of the people of these States, their decision should be accepted as final; ^{NO}

1.3 a number of participants have indicated that the people themselves should indicate whether they are in favour of incorporation. In connection with this point, the following issues arise:

A. What method should be employed to test the feelings of the people:- referendum? opinion poll? election? etc. ~~referendum?~~

B. Who will be entitled to express an opinion:- citizens? residents of TBVC States? and/or citizens also resident outside these States within RSA? and/or all South Africans? ^{INCLUDING TBVC}

② The W.G.S.C. will also have to consider the implications of the attitude taken by e.g. Bophuthatswana - that the Bophuthatswana Government is not in favour of re-incorporation.

③ How to deal with the attitude taken by some participants that before the governments or people of the TBVC States be called upon to express an opinion, clarity must first be achieved about the type of state into which these states may be re-incorporated. In particular, the extent to which there will be strong regional features in the S.A. Constitution.

④ Strategies to keep the people of the TBVC states fully informed, especially to avoid unfortunate misunderstanding.

A. PREAMBLE : We, in the UNITED PEOPLE'S FRONT recognizing the background and divided nature of our society hereby wish to present constitutional guidelines aimed at promoting a spirit of reconciliation and unity amongst all the people of South Africa. While we feel it a duty on our part to articulate the aspirations of the disadvantaged section of our people, we appreciate and recognize as well the need to take cognizance of the fears of some of our country-men who feel threatened by the unfolding political development.

We in the UNITED PEOPLE'S FRONT envisage the following constitutional set-up:

B. THE STATE : South Africa shall be a sovereign, unitary, non-racial and democratic state.

C. THE CONSTITUTION : The South African constitution shall be the supreme law of the country. It shall be democratic, non-racial and non-sexist.

The constitution shall provide for the following governmental structures:

1. THE CENTRAL AUTHORITY/GOVERNMENT : The central authority/government shall consist of the following organs:

1.1. THE EXECUTIVE : The executive shall consist of a Cabinet headed by an executive president who shall assent to laws passed by the legislature.

1.2. THE LEGISLATURE : The legislature shall consist of the National Assembly and the Senate. The Senate shall consist of representatives from the regional governments.

1.3. THE JUDICIARY : The judiciary shall be independent and staffed by competent officers appointed on merit and non-racial basis.

2. THE REGIONAL AUTHORITIES/GOVERNMENTS : To bring government to the people, there shall be regional governments. There shall be adequate devolution of power to the regional governments to sufficiently cater for local interests.

The regional governments shall consist of the following organs:

2.1. THE REGIONAL EXECUTIVE COMMITTEE : The regional executive committees shall consist of executive members headed by an administrator.

2.2. THE LEGISLATURE : The legislature shall consist of legislative council on which shall be represented traditional leaders. Traditional leaders will be represented in all three levels of government.

3. THE LOCAL AUTHORITIES/GOVERNMENTS : In the place of the present system of town councils, there shall be local authorities based on non-racial magisterial districts. Redelimitation of the present magisterial districts will need to take place in order to have fully fledged districts.

D. THE SEPARATION OF POWERS : There shall be a complete separation of powers between the different organs of State.

E. THE ELECTORAL PROCESS : There shall be free and fair elections on the basis of adult universal suffrage and one man one vote on a common voters roll. Every eligible voter shall be entitled to vote for a party or candidate of his choice and shall be entitled to be voted to any government office. There shall further be a system of parallel representation. The State President shall be elected by popular vote.

- F. THE BILL OF RIGHTS : There shall be enshrined in the constitution a justiciable Bill of Rights which guarantees basic human rights such as freedom of association, expression, the right to work, and the due process of the law and the right to own and dispose of one's property.
- G. THE ECONOMIC SYSTEM : There shall be a mixed economy.
- H. THE LAND ISSUE : There shall be equitable distribution of land.
- I. THE EDUCATIONAL SYSTEM : There shall be a single non-racial national educational system
- J. CONSTITUTIONAL COURT : There shall be a Constitutional Court to adjudicate upon and determine disputes arising out of the constitution.