

**THE
FEDERAL
REPUBLIC
OF
SOUTH AFRICA**
— A NEW
POLITICAL DISPENSATION

ARMAND STEENHUISEN

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THIS BOOK IS DEDICATED TO THE
PEOPLE OF SOUTH AFRICA

INTRODUCTION

The former State President of South Africa, the right honourable P.W. Botha, once made the pronouncement that there were too few people actively involved in political thinking and action and too many who were merely spectators.

This statement finally prompted the writing of this book and putting forward feasible proposals for a new political dispensation for South Africa, based on certain thoughts and ideas I have had in this regard for some years but which I have adapted to present day circumstances.

South Africa is faced with various socio-economic and socio-political problems which in the main are caused by the diverse composition of its people and the demographic pattern of the people. The population consists of approximately twelve main race groups, each one of them with different cultures, customs and tribal or communal loyalties. In most cases there are different languages and religions. There are also a host of minor tribes or communities all differing from one another. These problems have escalated over the years due to the rapid growth of the population and the mounting political and economic aspirations amongst sections of the population who do not fully share in the economic prosperity of the country or in the government process. In spite of the fact that much time and energy have been spent by governments as well as by individuals and political leaders in attempting to resolve the problems.

In an attempt to create a well-ordered society certain restrictive laws were placed on the statute book. These laws mainly discriminated against people of colour, particularly against blacks whose movements from one area to another were regulated and free access to the labour market was restricted in certain circumstances. During the 1970's a beginning was made to establish a more open society. But it was not until the 1980's that some of the restrictive laws were repealed. At the same time there had to be more political reform in order to bring about a more equitable society. With the establishment of the tricameral parliamentary system the franchise was extended to the coloureds and Indians. It was intended to gradually include the blacks on a share basis in the governing process of the country. A multiracial President's Council, multiracial provincial executive committees, multiracial regional services councils as well as separate local government bodies for all of the four main population groups, that is the whites, coloureds, Indians and the blacks, were established.

Many of the coloureds and the Indians are, however, not satisfied with the tricameral system which was introduced in an attempt to accommodate their political aspirations, and regard it as merely a transitory expedient in the political and constitutional development of the country. On the other hand the blacks have been pressing for full political rights. Although the Government's reform initiatives are an ongoing process, final stages of reform and renewal are still a long way off and are dependent upon negotiations with leaders of the various political movements and other interest groups. The four independent states, namely Transkei, Bophuthatswana, Venda and Ciskei, as well as the six self-governing territories, Lebowa, Gazankulu, KaNgwane, KwaZulu, KwaNdebele and Qwaqwa, are struggling economically. They are dependent upon the Republic for substantial subsidization. The former four states have also as yet not received international recognition as independent states.

From an economic and political point of view the present state of affairs has caused severe adverse internal effects, for instance a slowdown in economic development, unemployment, emigration, political unrest and a state of emergency. These effects in turn have had repercussions internationally, resulting in boycotts, sanctions, disinvestment, discontinuance of capital inflow, loan restrictions and political and sports isolation. It is therefore essential that the reform initiatives and the momentum that they have gained should be carried forward at a greater speed, with the main goal being the establishment of a completely new political system. A new constitutional framework is essential but not as an end in itself, rather as a means to an end. The new constitutional mechanism should serve as a base from which wider objectives could and should flow. The objectives would be directed towards the cultural, social, economic and educational upliftment of all the people with a fostering of goodwill amongst all individuals and communities towards one another.

There are three main prerequisites in building a future greater South Africa —

- (1) Sound democratic constitutional machinery.
- (2) Goodwill in the hearts and minds of people towards one another.
- (3) The will to work towards achieving a common destiny of peace, prosperity and progress for all.

When talking about a completely new political system it does not mean that all existing government structures should be discarded. Institutions which have withstood the test of time and are not inconsistent with the principles of a new system should certainly be retained and expanded

further, as for example local government bodies. In seeking to find a constitutional solution we need to study the constitutional models of other countries, although we need a special model of our own, a model which is best suited to the peculiar circumstances of this country and could come to terms with the realities of the local situation. A new constitution should provide for full participation by all South Africans in State affairs on the principle that no population group should have a commanding position over another. Also for the protection of the rights and dignity of all individuals and communities as well as the ending of all legislation which discriminates against people purely on the basis of race or colour.

The system which is proposed, would accomplish these objectives on a practical and orderly basis and would meet with the requirements of the moderate political parties and organisations operating to the left of the Government. The more radical left-wing movements might, with a little pragmatism, also accept it as the ultimate in constitutional reform to which all political groups and citizens would agree. The system would, however, also suit the more moderate elements in the political parties and movements whose philosophies are to the right of those of the Government, as will be clear from the overall plan.

The new constitution should be drafted in uncomplicated terms as far as it is possible and in ordinary every-day language. An abridged and simplified version should in any event be made freely available to the man in the street and at minimum cost, in order to promote enthusiasm for, as well as active participation in the affairs of the State. This book has been written in simple every-day language for easy reading and with the purpose of giving the man in the street an understanding of State affairs.

It should be noted that when population groups instead of race groups, tribal groups or community groups are referred to, it simply means the four main population groups in the country, namely the blacks, coloureds, Indians and whites.

It was necessary to sketch the present constitutional system, as covered in chapter one, in sufficient detail for the reader to obtain the necessary background, in order to fully understand the changes which are proposed should be brought about, and to compare and evaluate the recommended system.

This book was not written with the intention that it should be a criticism of any person or organization, political or otherwise. But merely to focus attention on the realities that face South Africa. To suggest a new political dispensation for all South Africans with a truly democratic con-

stitutional system, providing equal economic and political opportunities for every one.

It is conceded that the general consensus of opinion is that a new political dispensation could only be brought about by means of negotiation among leaders of political movements and other interest groups. Should the dispensation which is proposed in this book serve as a blue print for such negotiations, however, much would be achieved.

I wish to acknowledge that in addition to information available from relevant legislation, most of the basic information and statistics as well as the plans used in this book, were obtained from publications by the Publications Division of the South African Bureau for Information. My thanks and appreciation for permission granted in this regard.

Although great care has been taken to ensure that the information and statistics quoted in this book are correct, neither the author nor the publishers/printers can accept any responsibility for any wrong information, errors or omissions.

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CONTENTS

	PAGE
1. The existing 1989 Constitutional System	6
2. Motivation for a new Political Dispensation	19
3. A plan for a new Constitutional System	23
4. Advantages of the Proposed System	52
5. Additional information and explanations given in the form of questions and answers	59
6. References	64

I

THE EXISTING 1989 CONSTITUTIONAL SYSTEM

THE PEOPLE

In 1987 the population of South Africa was approximately twenty nine million. This comprised of five million whites, three million coloureds, one million Asians and twenty million blacks. About 50 per cent of the blacks are inhabitants of the four independent national states, namely Transkei, Bophuthatswana, Venda and Ciskei and the six self-governing territories, Lebowa, Gazankulu, KaNgwane, KwaNdebele, KwaZulu and Qwaqwa. (Refer to the maps).

The whites are divided into two main language groups, that is Afrikaans and English, and several cultural groups. More or less 60 per cent of the whites are Afrikaans and 40 per cent English speaking. The Afrikaans speaking group chiefly stem from the Netherlands, Belgium, France and Germany. The English speaking group originate largely from the United Kingdom of Britain and in smaller numbers from Portugal, Madeira, Greece, Italy, Spain and the Scandinavian countries. The coloured people consist of two main groups. The coloureds proper (including approximately 100,000 Griquas) totalling 2,750,000 and the Malays totalling 200,000. The one million Asians are mainly Indians, although the small numbers of Chinese, Japanese and other orientals are included in this total.

The blacks are not a homogeneous people but are divided into nine major race groups. Approximately half of the blacks settled in ten geographical areas (mentioned above), which in most cases have been their "home" territories for more than a century. Each of these groups have their own language and maintain their own cultures, traditions, customs and tribal affiliations, as well as their own national pride. The other half of the black population are residents of urban and rural regions in the so-called "white areas" of the Republic, where they in large measure still keep to their traditional ways of life.

In the four independent states black people who became citizens on account of their ethnic origin when these territories became independent, were permitted to retain their South African citizenship.

Self-governing status has been granted to the six national states but should they not desire to become fully independent they can elect to re-

main part of the Republic. The population numbers of the citizens of the four independent territories are about equal to those of the self-governing states, that is, in each case approximately five million. Blacks resident anywhere in the Republic outside the self-governing states may vote in elections to constitute the governments of those states provided they are of the same race group.

GOVERNMENT STRUCTURES IN “WHITE AREAS”

In the so-called “white areas” a new political dispensation was brought into being in September 1984 by means of a new constitution, to include coloureds and Indians in Parliament. A tricameral parliamentary system was established, that is, a chamber or “house” for each of the white, coloured and Indian population groups instead of only one for whites as previously.

The constitution further provides for an executive State President, a central Cabinet of ministers, a President’s Council, Ministers’ Councils for each of the three population groups mentioned above, provincial executive committees, regional services councils and local authorities for each population group, including blacks.

THE STATE PRESIDENT

A State President is elected every five years to coincide with the life of a Parliament, by an electoral college comprised of members of all three houses of Parliament. He has executive powers and is chairman of the Cabinet. Only a person who qualifies for membership of Parliament can be appointed to the position of State President but once elected he may not be a member of a house of Parliament. Consequently, though he may address the three chambers of Parliament he has no vote.

The State President may head a government department for general affairs. Under the terms of the former constitution he had executive powers only of the President but now has the executive powers of State President as well as those which the Prime Minister previously held.

One of the main functions of the President is to convene joint sittings of the three houses of Parliament in consultation with the Cabinet. He can, however, at his own discretion dissolve a house of Parliament in certain circumstances, or convene a house to dispose of matters in respect of a particular population group when Parliament is not in session.

When dealing with general affairs concerning all population groups

his executive authority is carried out in consultation with the Cabinet and in group affairs affecting white, coloured and Indians separately, in consultation with the three Ministers' Councils individually. General affairs and group affairs matters are outlined in the constitution.

The State President can appoint Cabinet ministers, ministers and chairmen of Ministers' Councils as well as deputy ministers at his own discretion. He is commander-in-chief of the armed forces. It is his responsibility, in consultation with the Cabinet, to declare war or make peace. Proclaim and terminate martial law. Enter into and ratify international treaties, appoint government representatives in foreign countries, receive and accredit diplomatic representatives of other countries. Confer honours on persons and reprove persons convicted for criminal offences.

He can be requested to vacate his office on the grounds of misconduct or incapacity to carry out his duties. The procedure for such a situation is prescribed in Section 9 of the constitution.

THE CABINET

The State President may appoint members of the Cabinet from any of the three population groups, usually from members of Parliament, and assign portfolios to them. He is permitted to appoint members from outside Parliament but they have to become members of Parliament within a period of twelve months from the date of appointment. It is not commonly known that a member of the Cabinet may attend any meeting and speak in any one of the three houses of Parliament but only has a vote in the house of which he is a member.

There is a great measure of interaction between the Ministers' Councils and the Cabinet. Any member of a Ministers' Council can also be co-opted to the Cabinet for a specific purpose or an indefinite period. In the same way a member of the Cabinet can be co-opted to a Ministers' Council, subject to him qualifying to be a member of the Minister's Council in question.

The State President is empowered to appoint any number of deputy ministers. Those designated to assist Cabinet ministers do not become members of the Cabinet, while those appointed to assist members of the ministers' Councils do become members of the councils. In the same way as ministers, deputy ministers must become members of Parliament should they be appointed from outside Parliament. All government departments have at their head a member of the Cabinet or a member of a Minister' Council where appropriate, but ministers without portfolio

can also be appointed to the Cabinet and to Ministers' Councils.

Since 1987 an office of ministerial representative was established. Ministers allocate certain functions to ministerial representatives to be exercised on their behalf. The State President appointed thirteen such representatives with effect from 1 May 1987 to represent ministers of Ministers' Councils.

MINISTERS OF THE CABINET

The offices held by Ministers of the Cabinet comprise the following matters:

State President (Chairman)

Chairman of the Ministers' Council of the House of Assembly

Chairman of the Ministers' Council of the House of Representatives

Chairman of the Ministers' Council of the House of Delegates

Ministers in respect of: (portfolios not necessarily comprehensive or as grouped or indicated per minister)

National Education and Development Aid

Constitutional Development

Foreign Affairs

Defence

Finance

Justice

Law and Order

Transport Affairs

Public Works and Land Affairs

Education and Training

Manpower

Commerce and Industry and Tourism

Agricultural Economics and Marketing

Mineral and Energy Affairs

Planning and Provincial Affairs

Home Affairs

National Health and Population Development

Administration and Privatization

Economic Affairs and Technology

Information, Broadcasting Services and the Film Industry

Posts and Telecommunications

Environment and Water Affairs

In addition to the ministers a number of deputy ministers are appointed from time to time.

THE TRICAMERAL PARLIAMENT

The three-chamber Parliament consists of the following chambers or houses:

The House of Assembly for Whites (178 members)

The House of Representatives for Coloureds (85 members)

The House of Delegates for Indians (45 members)

Of the 178 members in the House of Assembly 166 are elected in geographic electoral divisions: Transvaal 76, Cape Province 56, Natal 20 and Orange Free State 14. Four members are appointed by the State President, one from each of the provinces, and eight are elected by the 166 members as soon as the new Parliament is convened, to reflect the proportionate strengths of the political parties represented in the house.

Members of the House of Representatives are elected as follows: Cape Province 60, Transvaal 10, Orange Free State and Natal 5 each, making a total of 80. In addition, two members are appointed by the State President and three are elected by the 80 elected members on the same basis as in the House of Assembly.

In the House of Delegates 40 of the 45 members are elected as follows: Natal, 29, Transvaal 8 and Cape Province 3. Two are designated by the State President and three are elected by the 40 elected members on the same basis as in the other two houses.

All white, coloured and Indian South African citizens who are at least 18 years old and are not disqualified in terms of the *electoral laws, are eligible to be placed on separate voters' rolls and are entitled to vote for members of the house for their respective population groups. Before a person can be elected as a member of Parliament he or she must qualify as a registered voter for the respective house concerned and must have resided in the Republic for a minimum period of five years. A general election of members of Parliament has to be held every five years.

A person is disqualified from membership of either of the three houses if during the period of five years before the election, he had been sentenced by a court to at least one years' imprisonment without the option of a fine, or is insolvent, or is declared by a court to be of unsound mind or is a member of the Public Service earning an income (with certain exceptions). He is required to vacate his seat if he does not attend a

*Disqualifications listed in Section 4 of the Electoral Act, 1979.

complete ordinary session of Parliament without special leave, or is appointed to the President's Council.

It is fundamental to the tricameral system that a distinction is drawn between matters that only affect one of the three population groups and matters that concern all three groups. Each population group has full executive powers of their own affairs and can dispose of legislation through their appropriate house of Parliament. Matters on general affairs are dealt with by all three houses sitting jointly, with the exception of legislation which is considered separately by each house. If approved it is submitted to the State President for assent, otherwise referred back to the appropriate standing committee of Parliament.

The constitution lays down guidelines in respect of which matters are own or general affairs, but also provides that the State President can decide which affairs are "own" and which are "general". Except in certain cases when the State President would give his own ruling he would consult with the Cabinet, or with a joint meeting of the Cabinet, the Speaker and the chairmen of the three houses of Parliament, before making a final decision. In cases where there is still uncertainty, the State President may confer with the President's Council. Certain elements of own affairs matters could also affect one or both of the other population groups, for instance, standards, norms and general policy matters, or in cases where the State provides staff for the performance of own affairs functions.

The following are examples of some own affairs matters in relation to each population group, which have been included in Schedule I to the constitution:

- community development including housing;
- health and welfare services;
- education at all levels;
- recreation and cultural activities;
- local government;
- agricultural services including assistance and guidance to farmers;
- water provision;
- finances affecting the affairs of the population group concerned;
- election of members to the relevant house of Parliament;
- matters in respect of staff employed by the State to carry out the affairs of a particular population group and the supporting services required for such administration;
- appointment of marriage officers.

Section 14 of the constitution defines own affairs as those which specifically affect a population group in so far as maintaining its identity and

upholding and promoting its lifestyle, culture, traditions and customs are concerned.

Decisions in all three houses of Parliament are taken by simple majority vote. In case of an equality of votes, the chairman of the house has a casting vote. Parliament may amend the constitution with a simple majority in all three houses except in respect of the equal position and status of the two official languages. English and Afrikaans, where an amendment requires a two-thirds majority of the total number of members of each of the three houses. In addition, any amendments to the sections which concern the basic principles of the constitution — that each population group administers its own affairs while the three population groups jointly administer general affairs — require an absolute majority of votes in all three houses of Parliament and a ruling of the President's Council may not be invoked in respect of any disagreements among the houses in this connection.

Section 61 of the constitution lays down the following quorums:

House of Assembly 50

House of Representatives 25

House of Delegates 13

STANDING COMMITTEES

Twenty five standing committees from all three houses of Parliament were appointed in 1984 to deal with various parliamentary matters. Nine of the committees deal with the following matters: Private members' bills, constitutional affairs, public accounts, accounts of the South African Transport Services, accounts of Posts and Telecommunications, pensions, the library of Parliament, standing orders and parliamentary catering services. The other sixteen standing committees were appointed to be attached to each ministerial portfolio for general affairs. It is the task of these committees to endeavour to obtain the greatest possible measure of consensus among the three houses on bills and all other general affairs matters referred to them. Two members of opposition parties in the House of Assembly are deputy chairmen of two of these committees, namely Defence and Finance.

OFFICE BEARERS OF PARLIAMENT

(a) THE SPEAKER

The Speaker is elected at the beginning of a new Parliament by the same

electoral college that elects the State President, from among the ranks of all three houses. He is entitled to be chairman of any meeting of any house and also can preside at any joint session of all three houses that have been summoned by the State President. He is a member of a house of Parliament but ceases to be the Speaker should his membership be terminated for any reason. He can vacate his office by written resignation to the Chief Justice. Should he be absent or incapacitated and unable to perform the various functions required of his position he can nominate a member of a house to act as Speaker. Should he not be in a position to nominate an Acting Speaker the State President would nominate a member of a house to act as Speaker. Should the position of Speaker be vacant the State President would nominate an Acting Speaker until a new Speaker is elected, but he cannot perform the duties of Speaker in excess of a maximum period of one month during a session of Parliament unless it is the last session before dissolution of Parliament or is a session contemplated in section 40 of the constitution. At the first meeting after a general election each house must elect a chairman from among its members to preside at meetings should the Speaker not be available.

The Speaker may call joint sittings in respect of proceedings on general matters, joint committees or similar matters affecting all three houses. Previously only the State President could call joint sittings of the three houses of Parliament.

(b) CHIEF WHIP OF PARLIAMENT

After every general election a Chief Whip of Parliament is chosen from members of Parliament. He may attend all meetings of the three houses of Parliament and speak on rules of procedure and the order paper, but he may only vote in the house where he is a member.

(c) IN EACH OF THE THREE HOUSES OF PARLIAMENT

- Leader of the House
- Chairman of the House
- Chairman of Committees
- Deputy-chairman of Committees
- Leader of the official Opposition
- Chief Whip of the Majority Party.
- Chief Whip of the Official Opposition

MINISTER'S COUNCILS

A Ministers' Council has been established for each of the three houses of Parliament consisting of various ministers appointed by the State President from members of the population group concerned, to deal with the executive functions of the particular house. The ministers of a council head the relevant government departments although ministers without portfolio can also be appointed.

Should a minister be appointed who is not a member of the appropriate house, he should become an elected member within twelve months from the date of appointment. A minister must have the full support of the majority members of his house. This obviously also applies to the chairmen of the Ministers' Councils who must in the opinion of the State President still have the support of the majority members in the house concerned before he could appoint them. A member of a Ministers' Council who is not a member of the Cabinet or of a house may attend and speak in the house of his population group but has no voting rights.

Ministers' Councils are constituted from members of each of the three houses of Parliament as follows:

HOUSE OF ASSEMBLY

- Chairman and Minister of the Budget
- Minister of Agriculture and Water Supply
- Minister of Local Government
- Minister of Health Services and Welfare
- Minister of Culture

HOUSE OF REPRESENTATIVES

- Chairman
- Minister of the Budget
- Minister of Education and Culture
- Minister of Local Government, Housing and Agriculture
- Minister of Health Services and Welfare

HOUSE OF DELEGATES

- Chairman
- Minister of the Budget
- Minister of Education and Culture
- Minister of Local Government, Housing and Agriculture
- Minister of Health Services and Welfare

As can be seen, the Ministers' Councils for the Houses of Representatives and Delegates are identical. They differ from that of the House of Assembly in respect of certain portfolios which are taken care of by the ministers of the Cabinet.

BUDGET MINISTERS

The Budget Minister of each house of Parliament is invited to attend Cabinet meetings when the budget or other financial matters are considered.

THE PRESIDENT'S COUNCIL

The Senate was abolished on 1 January 1981. In its place a President's Council was established to advise the State President on any matter he refers to the council and of its own accord to advise the State President on any matter it regards of public interest, though excluding draft legislation. The council gives a ruling in cases of disagreement among the three houses of Parliament in respect of legislation on general affairs matters, which is binding on all three houses. At the request of the State President the council gives its decision on whether a matter submitted to the council constitutes group affairs or own affairs.

The council at present, that is in 1989, consists of sixty members, comprising coloureds, Indians and whites, appointed for five years coinciding with the life of Parliament. The members of the council are divided into five committees — constitutional, economic affairs, planning, science and community relations.

Of the sixty members of the council twenty are elected by the House of Assembly, ten by the House of Representatives and five by the House of Delegates. The remaining twenty-five are appointed by the State President — fifteen directly and ten on nomination by the opposition parties in the three houses of Parliament on the basis of proportional representation for these parties, as follows: six by the House of Assembly, three by the House of Representatives and one by the House of Delegates. The council elects its own chairman and deputy chairman and a quorum consists of thirty members.

THE JUDICIARY

The Supreme Court of South Africa has full judicial authority and functions separately and independently from the State's legislative and

executive authorities. It is comprised of six provincial and three local divisions as well as an appellate division which is the highest court in the country, with its seat in Bloemfontein. Here the Chief Justice presides over a number of appeal judges determined by the State President. The appellate division's judgements and orders must be followed by all other divisions of the Supreme Court.

All judges and acting judges are appointed by the State President on the recommendation of the Cabinet and they can only be dismissed from their positions by the State President, at the request of one of the three houses of Parliament on the grounds of misconduct or inability to perform their duties.

The lower courts consist of ordinary magistrates' courts, regional, children's and maintenance courts. There are magistrates' courts in every magisterial district, presided over by a magistrate who is appointed by the Minister of Justice. More than one magistrate can be assigned to a district. A magistrate has both judicial and administrative responsibilities. He can conduct both criminal and civil cases, but is limited in respect of the maximum sentences he can impose or the maximum claims he can award. The country is also divided into six regions under the jurisdiction of regional courts. More serious criminal cases are heard by the regional courts where higher sentences can be imposed than in ordinary magistrates' courts.

In South Africa special courts are also set aside for blacks where disputes are settled according to the traditional laws and customs of black people.

* "Blacks have access to both magistrates' courts and the Supreme court, but special courts are also provided where disputes are settled in terms of traditional law and customs. Thus, a local chief and headman may be authorised to decide in terms of indigenous law and custom, civil claims brought by one Black against another. Proceedings in such courts are informal and no written record is kept. An appeal against a judgement in these courts can be heard by a magistrates' court. A magistrates' court may apply either common law or indigenous law in respect of certain actions between Blacks. Provision is also made for special divorce courts for Blacks."

* page 36. "This is South Africa". Published by the Government Bureau for Information. August 1988.

PROVINCIAL COUNCIL SYSTEM

The four provincial councils were abolished in 1986 and replaced by an administrator and an executive committee for each province, to deal with general affairs of all the four population groups, for example, roads, traffic, health, pleasure resorts and nature conservation, but with limited legislative authority and accountable to Parliament. The State President appoints the administrators and the members of the executive committees from any population group. Preference is given to persons living in the province concerned and representing as many communities as possible.

It is important to know that, except in the case of blacks, own affairs matters are not considered by provincial executive committees but are administered by the house of Parliament for the population group concerned, that is, separately for the coloureds, Indians and whites.

LOCAL GOVERNMENT SYSTEM

Approximately forty fully-fledged municipal councils and three hundred town committees have been established for blacks resident outside the existing black national states. For the whites there are more than five hundred local authorities, comprising city and town councils, village councils and town and health committees. These local authorities have powers to make by-laws for their particular areas, subject to the approval of the administrator or the minister concerned. They obtain their income from rates and taxes on fixed property and charges for services rendered, for example, water and electricity supply, sewerage and refuse removal, fire fighting and ambulance services as well as penalties for traffic offences.

In municipal areas which are chiefly inhabited by coloured and Indian communities, local affairs or management committees have been established. Several hundred such committees have come into existence, some with full municipal status.

A start has also been made with the establishment of rural councils separately for the different population groups or jointly for some population groups. These councils are established in terms of the Regional Services Councils' Act as amended in 1988, and operate outside urban local authority areas.

Multiracial regional services councils function in various regions of the country to provide or co-ordinate large-scale services to local communities, which can economically and effectively best be rendered on a

regional basis, such as water and electricity supply and the provision of sewerage, roads and stormwater drainage. These services usually affect more than one population group and are therefore general affairs matters, in contrast with matters affecting only one population group, for example, the provision of a sports field or park in a specific community area.

MOTIVATION FOR A NEW POLITICAL DISPENSATION

SHORTCOMINGS IN THE PRESENT CONSITUTIONAL SYSTEM (1989)

One of the most profound shortcomings of the present constitutional system is that the franchise has not been extended to blacks on all levels of government. The Government is committed to power sharing with blacks but for a number of reasons is dependent upon political and other leaders in various fields of endeavour coming forward and participating in negotiations with the objective of reaching agreement on how this should be brought about. In view of the developing political climate it is possible that these negotiations would commence relatively soon, but once under way they would be protracted as they would have to start from the ground floor. Furthermore, it would be necessary to have the interaction of a wide spectrum of opinion not only from political leaders but also from leaders in commerce and industry as well as from the social field throughout the country.

The second major shortcoming is in respect of the tricameral parliamentary system which is seen by the coloured and Indian communities as not being an end in itself, but rather as a transitional political convenience, temporarily necessary in the constitutional development of the country. This system has proved that it cannot entirely eliminate racial conflict and has the potential of causing a political stalemate as well as a deadlock in aspects of government functioning.

Thirdly, it is important to note that the constitutional set-up is not fully democratic in that some members of government structures are not elected but are appointed. This is seen in the structure of the three houses of Parliament where four members in the House of Assembly and two each in the House of Representatives and the House of Delegates are appointed by the State President. In the President's Council fifteen members are appointed directly by the State President and ten are appointed on nomination by the opposition parties. In addition, the State President appoints the administrators and members of the provincial executive committees as well as all the ministers, ministerial representatives and deputy ministers, usually from members of Parliament but

not necessarily so initially. The chairmen of the regional services councils are appointed by the administrator of the province concerned.

Fourthly, the six self-governing states are neither independent states nor are they an integral part of the constitutional system of the Republic, though their economies, together with those of Transkei, Bophuthatswana, Venda and Ciskei, are subsidized by the Republic.

PROBLEMS ARISING FROM SHORTCOMINGS IN THE CONSTITUTIONAL SYSTEM, DISCRIMINATORY LEGISLATION AND PREVAILING POLITICAL FACTORS

There are many problems arising from shortcomings in the constitutional system and discriminatory legislation. Black people are pressing for recognition to be given to their political aspirations, such as the granting of common citizenship and voting rights at all levels of government. They are also pressing to have a meaningful share in the political control of the country. The coloured and Indian communities are striving to obtain participation in a more open Parliament, without recourse to individual houses for each of their respective population groups, and for the establishment of a constitutional system which would satisfy their political aspirations on a permanent basis. Whereas the white population on the other hand are fearful that in any new political dispensation which would satisfy the other population groups, they would have to relinquish a large measure of control and become a minority group without adequate protection of minority rights.

There is tremendous pressure on the Government, not only internally but also from sources outside the country, to abolish all legislation which can be construed as being discriminatory from a racial point of view, such as the Group Areas Act, the Population Registration Act and the Separate Amenities Act.

There is still pressure on the Government to release Mr Nelson Mandela and all other political detainees, irrespective of the condition stipulated by the Government that they should first renounce violence. In addition, there is a great demand for the state of emergency to be lifted and for the application of security legislation to be terminated.

The economic development of the country has slowed down considerably, resulting in a big increase in unemployment particularly among blacks. This in turn also causes political unrest which has resulted in a state of emergency and the implementation of security legislation. Emi-

gration has occurred on a large scale depriving the country of valuable manpower. One of the chief causes of the slow economic development has been the severe international onslaught levelled at the Republic by means of the initiation of sanctions, boycotts and disinvestment and loan restriction policies. The international economic practices against the country have resulted in a serious loss of markets overseas, some perhaps permanently as rival countries are constantly endeavouring to oust the Republic from these markets. Apart from all these problems, efforts to isolate the Republic further on the political and sports fronts by certain international groups are continuing unabated.

BASIC PRINCIPLES TO BE EMBODIED IN A NEW POLITICAL DISPENSATION

It would not be adequate to merely amend the constitution here and there in an effort to meet the requirements of the various political and other interest groups both nationally and internationally. What is called for is a completely new political dispensation which would satisfy social, economic and political demands and at the same time would create the right climate to utilize the potential resources of the country to maximum advantage.

A new dispensation would have to provide for economic and political participation of all citizens in a well-ordered society based on the following principles:

- (a) Full citizenship for all South Africans and voting rights at all levels of government.
- (b) A meaningful democratic constitutional system in that no representative at any level of government would be appointed but would be elected, either directly or indirectly, by the people he represented.
- (c) Political power sharing for all population groups on an equitable basis with no domination of one group over another.
- (d) The right of communities to live their own traditional way of life and the right of individuals to associate or disassociate with other people.
- (e) Abandonment of racial discriminatory legislation in favour of natural and economic laws and voluntary associations valid for all population groups.
- (f) Protection of minority rights.
- (g) Accelerated development in the social, economic, training and educational fields.

- (h) Encouragement of the free enterprise system, private home ownership and informal business practices wherever possible.
- (i) Promotion of the concepts of deregulation, privatization and devolution of power to lower levels of government.
- (j) Availability of a Bill of Rights enforced by the judiciary.

TIME FACTOR

There is not much time for protracted negotiations in order to find a solution to the country's problems. Quite apart from internal social and economic issues which must receive urgent attention, it should be realised that the international political and economic onslaught against the Republic could be intensified. At the present time there is a respite due to the revival of the agreements reached at the Nkomati Accord, the successes in respect of the Angola Peace Talks and the South West Africa/Namibia independence question, as well as the resumed contact with African leaders and the development of positive trends locally.

Full advantage of the breathing space afforded us should be taken. It is necessary to enter into urgent negotiations with all interested individuals and groups. Sufficient interest would be raised for all political leaders and leaders in commerce and industry to attend the conference table, provided a blue print for a new practical political dispensation could be presented. Much negotiation time would also be saved.

As soon as consensus is reached on a future political system the main provisions thereof, with alternative suggested amendments if necessary, could be submitted in a referendum form to all citizens for approval.

A PLAN FOR A NEW CONSTITUTIONAL SYSTEM

The proposals for a new constitutional system are as follows:

A CREATION OF NATIONAL STATES

South Africa should become a federal republic comprising of twenty national states, half of them consisting of the existing four independent territories (the so-called TBVC states, namely **Transkei**, **Bophuthatswana**, **Venda** and **Ciskei**) and the six self-governing states, **Lebowa**, **KwaZulu**, **Gazankulu**, **KaNgwane**, **KwaNdebele** and **QwaQwa**.

The other ten states would be created by transforming the existing four provinces into ten states —

Transvaal to be divided into four states, **Western Transvaal**, **Northern Transvaal**, **Southern Transvaal** and **Eastern Transvaal**.

Cape Province to be divided into three states, **Western Cape**, **Central Cape** and **Eastern Cape**.

Orange Free State to become two states, **Northern Orange Free State** and **Southern Orange Free State**.

Natal (KwaZulu to be finally excised from Natal as an independent state).

B AUTONOMY OF STATES — FEDERAL SYSTEM

The twenty independent national states would have complete individual autonomy but would be bound together in a federal system with certain defined functions to be carried out by a central federal government.

C GEOGRAPHIC AREAS

The geographic areas of the ten new states, which could be collectively called the White/Coloured/Indian States or in short the WCI States, would be so determined that their individual economic strengths or potential as well as their population numbers, would equate as far as it is possible.

For example, the **Southern Transvaal State** would consist of the districts of Johannesburg, Randburg, Germiston, Kempton Park, Alberton, Benoni, Boksburg, Brakpan, Springs, Nigel, Heidelberg, Vereeniging, Vanderbijlpark, Randfontein, Krugersdorp and Roodepoort, including the towns of Magaliesburg, Midrand and Sandton. The State would therefore comprise a relatively small area but it would be a populous and affluent one.

To compensate, the **Northern Transvaal State** would include Pretoria, Rustenburg, Pietersburg and Messina as well as the growth points of Ellisras and Bronkhorstspuit. This area would comprise vast regions north of a line stretching from a point just north-east of Mmabatho eastwards via Koster to Bronkhorstspuit, then north-east along the southern and eastern border of Lebowa over Mica to Phalaborwa, and then to Letaba from where, flanked by the Mocambiquen border on the east, and including the Kruger National Park from Letaba northwards, to the Zimbabwe border as its northern boundary. Westwards from the Limpopo its boundary would coincide with the present western border of the Transvaal province to the point where it meets up with the southern boundary north-east of Mmabatho. The towns of Zeerust, Swart-ruggens, Koster and Brits as well as the Hartebeespoort Dam would therefore also be included in the area. The independent states of Bophuthatswana and Venda as well as the self-governing states of Lebowa and KwaNdebele would as a matter of course be excluded from the area of jurisdiction of the new State.

EASTERN TRANSVAAL would comprise the area of the Transvaal province to the east of the proposed Southern Transvaal State and south-east of the Northern Transvaal State, with the self-governing states, Gazankulu and KaNgwane, excluded. The rich coal deposits at Oogies and Witbank, the Sasol undertakings at Secunda, the gold mines in the Kriel and Kinross areas, and the growth points of Middelburg and Nelspruit would therefore be included in its area together with the large timber plantations in the Sabie/Graskop districts, the rich agricultural regions of the Lowveld and the Kruger National Park southwards from Letaba to Malelane.

WESTERN TRANSVAAL would consist of the area of the Transvaal province to the west of the proposed Southern Transvaal State and to the south of the Northern Transvaal State. It would include the rich gold mines of the Orkney/Klerksdorp, Stilfontein, Carletonville and Blyvooruitzicht areas. The important towns of Lichtenburg, Potchef-

troom and Klerksdorp together with the affluent farming regions of Ventersdorp, Lichtenburg, Klerksdorp, Wolmaranstad, Schweizer-Re-neke, Bloemhof and Christiana would be included in the State.

THE STATE OF THE WESTERN CAPE would commence at Cape Point with its western border being the Atlantic ocean from Cape Point northwards to the South West Africa/Namibia border. The northern boundary of the State would be the South West Africa/Namibia border. The eastern boundary would follow a line from a point just south of Nakop on the common SWA/Namibia border with the Cape Province, and from there southwards as an extension of the border between SWA/Namibia and the Cape Province to the town of Downes, just east of Calvinia. Then on to Touwsrivier, Montagu, Bonnievale, Stormsvlei, Bredasdorp and Cape Agulhas with these towns/districts included in the State. On the southern side the boundary would stretch from Cape Point along the Indian ocean to Cape Agulhas. Cape Town and its environs as well as Alexander Bay, Port Nolloth, Saldanha and the other important towns/districts of Springbok, Calvinia, Clanwilliam, Malmesbury, Wellington, Worcester, Paarl, Stellenbosch, Somerset West and Caledon would form part of the State.

CENTRAL CAPE would share a common border on its west with the Western Cape State and South West Africa/Namibia. On the north it would be bordered by Botswana and on the south by the Indian ocean from Cape Agulhas to Port Elizabeth. Its eastern boundary would stretch from Port Elizabeth along Coega and Colchester, via Addo to Kirkwood, then in a more or less straight line on to Graaff-Reinet, Richmond, Britstown, Prieska, to the east of Upington and to Gemsbok on the Botswana border, with the towns/districts mentioned forming part of the State. Central Cape would include in its area Mossel Bay, Port Elizabeth and Uitenhage as well as the other important centres of Swellendam, George, Oudtshoorn, Beaufort West and Graaff-Reinet while the prosperous farming areas of Victoria West, Britstown, Richmond, Graaff-Reinet, Prieska and Upington would be added advantages.

EASTERN CAPE would comprise the rest of the area of the present Cape Province, excluding Transkei and Ciskei and that part of Bophuthatswana situated in the area which was formerly part of the northern Cape Province, from East London in the South to the Botswana and Bophuthatswana borders in the North. The cities of East

London and Kimberley as well as the prospering towns and/or farming districts of Vryburg, Kuruman, Postmasburg, De Aar, Aliwal North, Middelburg, Barly West, Colesberg, Molteno, Dordrecht, Queens-town, Cradock, Somerset East, Fort Beaufort, Stutterheim and Grahamstown would be included.

THE TWO NATIONAL STATES IN THE ORANGE FREE STATE would be created by dividing the province in half, commencing at a point on the eastern border of the district of Kimberley and following a line from there along Boshof, Dealesville, Soutpan, Brandfort, Winburg, Senekal, Paul Roux and Bethlehem, crossing a point halfway between Warden and Harrismith and then straight on to the border with Natal, with these towns/districts falling within the **Southern Orange Free State**. The city of Bloemfontein and the growth point of Harrismith and environs, as well as the affluent districts of the southern and south-eastern Orange Free State province, including numerous sheep farming areas, would therefore also form part of the State.

Situated in the **Northern Orange Free State** would be the goldfields of the Virginia, Welkom, Odendaalsrus and Allenridge areas as well as the Sasol undertakings at Sasolburg, the important centres of Kroonstad, Theunissen, Bothaville, Viljoenskroon, Parys, Heilbron, Frankfort and Vrede and the lucrative maize and wheat producing regions of the northern half of this province.

NATAL NATIONAL STATE would comprise the present Natal province, excluding the self-governing territories of KwaZulu and that part of Transkei situated within its borders. The cities of Durban and Pietermaritzburg, some of the coastal resorts and the interior areas along the South Coast and North Coast as well as the farming areas in the region of Mooi River, Greytown, Ladysmith, Dundee, Newcastle, Vryheid and Mtubatuba would be included.

Large areas would be available to KwaZulu which is the position at the present time, but these are so fragmented that a case would surely be made out for a more meaningful consolidation of the territories of this State (Refer to the maps.).

*D MAGISTERIAL DISTRICTS WHICH
WOULD FORM PART OF THE VARIOUS
PROPOSED WCI NATIONAL STATES (IN AL-
PHABETICAL ORDER)

WESTERN TRANSVAAL

Bloemhof	Lichtenburg
Christiana	Oberholzer
Coligny	Potchefstroom
Delareyville	Schweizer-Reneke
Hartswater	Ventersdorp
Klerksdorp	Westonaria
Koster	Wolmaransstad

NORTHERN TRANSVAAL

Brits	Potgietersrus
Bronkhorstspruit	Pretoria
Cullinan	Rustenburg
Groblersdal	Soshanguve
Letaba	Soutpansberg
Marico	Swartruggens
Messina	Thabazimbi
Moutse	Warm Baths
Phalaborwa	Waterberg
Pietersburg	Wonderboom

SOUTHERN TRANSVAAL

Alberton	Krugersdorp
Benoni	Nigel
Boksburg	Randburg
Brakpan	Randfontein
Germiston	Roodepoort
Heidelberg	Springs
Johannesburg	Vanderbijlpark
Kempton Park	Vereeniging

EASTERN TRANSVAAL

Amersfoort	Middelburg
Balfour	Nelspruit
Barberton	Pilgrimsrest
Belfast	Piet Retief
Bethal	Standerton
Carolina	Volkstrust
Delmas	Wakkerstroom
Ermelo	Watervalboven
Highveld Ridge	Witbank
Lydenburg	White River

NORTHERN ORANGE FREE STATE

Bothaville	Reitz
Bultfontein	Sasolburg
Frankfort	Theunissen
Heilbron	Ventersburg
Hennenman	Viljoenskroon
Hoopstad	Virginia
Koppies	Vrede
Kroonstad	Vredefort
Lindley	Welkom
Odendaalsrus	Wesselsbron
Parys	

SOUTHERN ORANGE FREE STATE

Bethlehem	Jagersfontein
Bethulie	Koffiefontein
Bloemfontein	Ladybrand
Boshof	Marquard
Botshabelo	Petrusburg
Brandfort	Phillipolis
Clocolan	Reddersburg
De Wetsdorp	Rouxville
Edenburg	Senekal
Excelsior	Smithfield
Fauresmith	Trompsburg
Ficksburg	Wepener

Fouriesburg
Harrismith
Jacobsdal

Winburg
Zastron

NATAL

Alfred
Babanango
Bergville
Camperdown
Chatsworth
Dannhauser
Dundee
Durban
Eshowe
Estcourt
Glencoe
Hlabisa
Inanda
Ixopo
Klip River
Kranskop
Lions River
Lower Umfolozi

Lower Tugela
Mooi River
Mount Curry
Mtonjaneni
Mtunzini
Newcastle
New Hanover
Ngotshe
Paulpietersburg
Pietermaritzburg
Pinetown
Port Shepstone
Richmond
Umvoti
Umzinto
Underberg
Utrecht
Vryheid
Weenen

WESTERN CAPE

Bellville
Bredasdorp
Caledon
Calvinia
Cape
Ceres
Clanwilliam
Goodwood
Gordonia
Hermanus
Hopefield
Kuils River

Namaqualand
Paarl
Piketberg
Robertson
Simonstown
Somerset West
Stellenbosch
Strand
Tulbach
Van Rhynsdorp
Vredenburg
Vredendal

Malmesbury
Montagu
Moorreesburg

Walvis Bay
Wellington
Worcester
Wynberg

CENTRAL CAPE

Aberdeen
Beaufort West
Britstown
Calitzdorp
Carnarvon
Fraserburg
George
Graaff-Reinet
Hankey
Heidelberg
Hopetown
Humansdorp
Jansenville
Joubertina
Kenhardt
Kirkwood
Knysna
Ladismith

Laingsburg
Mossel Bay
Murraysburg
Oudtshoorn
Port Elizabeth
Prieska
Prince Albert
Richmond
Riversdale
Steytlerville
Sutherland
Swellendam
Uitenhage
Uniondale
Victoria West
Williston
Willowmore

EASTERN CAPE

Adelaide
Albany
Alexandria
Albert
Aliwal North
Barcly East
Barcly West
Bathurst
Bedford
Cathcart
Colesberg
Cradock
De Aar

Kimberley
King Williamstown
Komga
Kuruman
Lady Grey
Maclear
Middelburg
Molteno
Noupoort
Pearston
Phillipstown
Postmasburg
Queenstown

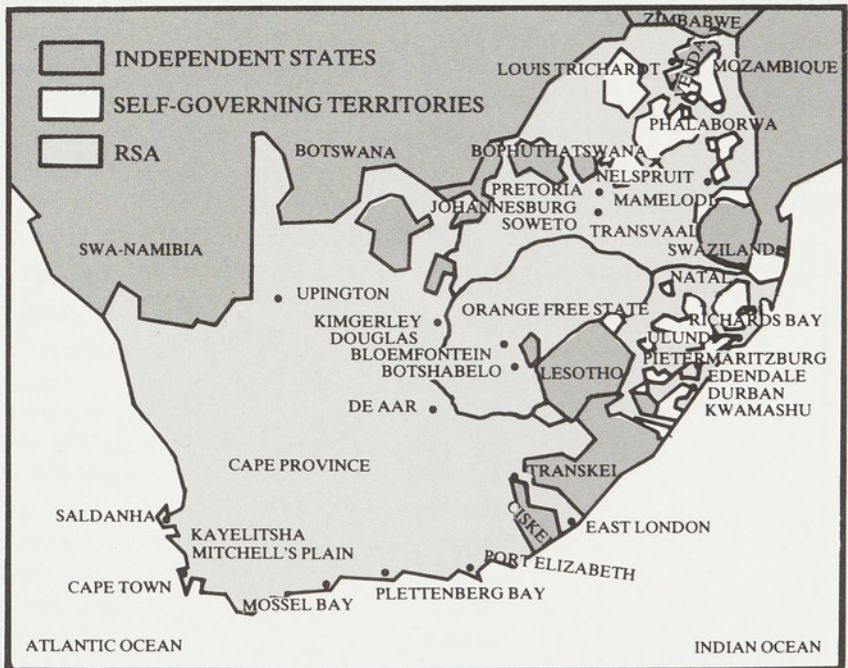
East London
Elliot
Fort Beaufort
Hanover
Hay
Herbert
Hofmeyr
Indwe

Somerset-East
Sterkstroom
Steynsburg
Stutterheim
Tarka
Venterstad
Vryburg
Warrenton
Wodehouse

* Names of districts obtained from "Place Names" published by Proctrust (Pty) Ltd, March 1988. The permission granted is appreciated.

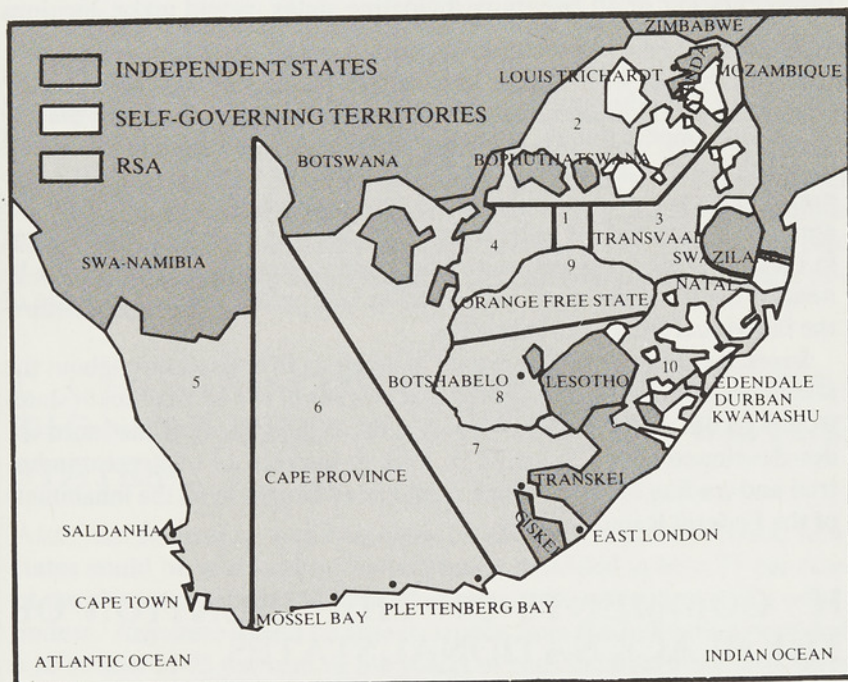
E MAP SHOWING THE EXISTING FOUR INDEPENDENT STATES AND THE SIX SELF-GOVERNING STATES

1. Transkei (Eastern Cape)
2. Bophuthatswana (Western Transvaal and Northern Cape)
3. Venda (Northern Transvaal)
4. Ciskei (South-Eastern Cape)
5. Lebowa (North-Central Transvaal)
6. KwaZulu (Natal)
7. Gazankulu (Eastern Transvaal)
8. KaNgwane (bordering on the northern side of Swaziland)
9. KwaNdebele (North-East of Pretoria)
10. Qwaqwa (North-East of Lesotho)



F MAP PICTURING THE TEN PROPOSED WCI STATES IN RELATION TO THE TEN BLACK STATES

- | | |
|-----------------------|-------------------------------|
| 1. Southern Transvaal | 7. Eastern Cape |
| 2. Northern Transvaal | 8. Southern Orange Free State |
| 3. Eastern Transvaal | 9. Northern Orange Free State |
| 4. Western Transvaal | 10. Natal |
| 5. Western Cape | |
| 6. Central Cape | |



The borders of WCI states would be dictated by the boundaries of the districts which would be incorporated on the periphery of these states and their lines of demarcation would consequently not be straight lines as shown on the map for purposes of easy identification.

G COMMENTS ON THE CREATION OF THE WHITE/COLOURED/INDIAN NATIONAL STATES (THE WCI STATES)

As stated before, the areas of jurisdiction of the ten WCI States would be so determined that there would be an equitable economic distribution of assets and income potential among all states in so far as this would be possible to achieve. In addition, it is contemplated that all surpluses of revenue over expenditure accruing to the federal state government would be allocated to the states forming part of the federation, on an equitable share basis. In this connection it should be borne in mind that equal contributions would be required from each state to finance the Defence Force which would be a federal matter. On the aspect of allocating funds to the national states, the federal Parliament, with equal representation of all twenty participating states, would make decisions from time to time.

The federal government would be responsible for the levying of taxes on mining and other public companies, for the collection of customs and excise tax, import duties, general savings tax or added value tax as well as other taxes or revenue items which normally would be due to a federal government. It would be left to each national state to decide on the amount of personal tax to be levied each tax year on individuals resident in its area. This tax would vary from state to state depending on the financial needs of the state concerned as well as the earning capacity of the individual citizens of that state.

Investment opportunities would be open to all citizens throughout the Republic. It could be anticipated that citizens of the more affluent states would go out of their way to assist in the development of the more under-developed states. It would be in their interests to implement industrial and trading schemes which would be of benefit to all the inhabitants of the Federal Republic.

H COMMENTS ON THE CREATION OF THE BLACK NATIONAL STATES

The four independent black states, namely Transkei, Bophuthatswana, Venda and Ciskei, would be invited to become members of the proposed federation, each state maintaining its present autonomy and status and its existing systems of tribal and parliamentary levels of govern-

ment. The advantages they would gain on becoming members of the federation would be considerable, not the least being the discontinuance of international rejection as opposed to recognition.

Full independence would also be granted to the six self-governing states on the basis that they joined the federation. The benefits of such a step would be similar to those enjoyed by the TBVC states, as they would be on a par with these states in autonomy and status.

The ten black national states (referred to simply as the Black States for purposes of convenience) would have a 50/50 share basis with the ten WCI States in the overhead government of the country, that is the federal Parliament and Cabinet, on a one man one vote basis to be explained further later.

As pointed out earlier, all under-developed states would be able to expect assistance towards their development from other states more readily, as all states would be components of the one federal system.

It would be possible to give consideration to a redetermination of the boundaries of Black States, as any political considerations which might have governed this aspect in the past would have fallen away. This would be necessary not only to ensure that they become entities with full viability potential, but also for purposes of good order, clarity and efficient administration. So much confusion, for example, exists in respect of Natal and KwaZulu that comparatively few Zulus and Natalians know the exact boundaries of these territories in relation to one another. Other states, for example Bophuthatswana, are in similar circumstances.

I GENERAL COMMENTS ON THE CREATION OF THE WCI AND THE BLACK STATES

After the federal system has been established in South Africa, new states could be admitted to the federation provided at least 75 per cent of the electorate of each individual existing state agree by way of a referendum. Any state would be able to secede from the federation provided a minimum of 75 per cent of the voters of each member state gave their consent. Similarly, it would be possible to expel a state on the same percentage basis should such a state, for example, not adhere to the provisions of the constitution, the law or the declared accepted policy of all the states, that is the federal policy. Such a drastic step would, however, only be resorted to if all other measures exerted on such a defaulting

state failed. It would be unlikely that a state would voluntarily secede from the federation as this would lead to a withdrawal of international recognition as well as economic and political isolation of the state concerned, exerted not only by the remaining states, but also by other countries.

It is possible, maybe even probable, that the citizens of South West Africa/Namibia would be anxious to join the federation. The population of the territory is approximately one and a quarter million. Four race groups with similar cultures, namely the Ovahimbas, Kwanjamas, Owambos, and Kavangos, are resident in the Kaokoland, Owamboland and Kavango territorial areas, situated to the north-west, north and north-east of the Etosha Game Reserve respectively. Together with the inhabitants of the Caprivi Strip and Bushmanland, which are also situated in the north-eastern parts of the territory, as well as those of the Kamanjab, Otavi, Tsumeb and Grootfontein areas, these peoples comprise about fifty per cent of the population. The other half of the population are resident in the southern part of the territory, that is, say, to the south of a horizontal line, corresponding with 20 degrees latitude, from Terrace Bay in the west to a point approximately 10 kilometres to the north of Outjo and from there midway between Bushmanland and Hereroland to the Botswana border. They consist of whites, the Rehoboth "Basters", Hereros (Hereroland), coloureds (Keetmanshoop area) and two black race groups, namely the Damaras (east of Marienthal) and the Namas, living northwest of Okahandja.

The country would therefore appear to be ideally suitable for the creation of two separate independent states, Namibia in the north and South West Africa in the south. The collective majority population groups of the two areas in question differ substantially in culture and ethnicity as well as linguistically, from each other. The southern state would be somewhat larger than the northern state, but is more sparsely populated. The two states would be free to adopt their own internal parliamentary systems and would be represented in the federal Parliament on a basis to be agreed upon by means of negotiation.

J PROPOSED NEW LEGISLATIVE AND EXECUTIVE STRUCTURES: WHITE/COLOURED/INDIAN STATES

To fit in with the overall plan, it would be necessary to establish new legislative and executive governing bodies. At the same time retaining

those which have withstood the test of time and are not incompatible with the provisions of the new plan. The proposals in this regard are as follows:

NATIONAL STATE PARLIAMENT

A national state Parliament would be established for each WCI State, consisting of thirty-nine members.

As the population ratio of the three main population groups which are affected in the proposed WCI States is *five whites, three coloureds and one Indian, this ratio of 5.3.1 would be applied in determining an equitable representation of these population groups in the national state Parliaments.

Thirty six of the 39 members would represent white, coloured and Indian voters and the number of members in Parliament in respect of each of the three population groups would therefore be as follows: whites 20, coloureds 12, Indians 4.

In addition, 3 black members of Parliament representing blacks who are resident, either permanently or temporarily, in a particular WCI State would be elected to serve in the national state Parliament of that state. These three representatives would perform a very important and meaningful role in respect of the interests of black people who are resident in WCI States, by bringing matters that concern them pertinently and directly to the notice of the national state Parliament concerned, as well as having a part in the decision making in Parliament generally.

The interests of black people resident in WCI States would also be protected in the national Parliaments of each of the ten Black States as will be pointed out further on. Citizens of the Black States would continue to have an undisputed say in the affairs of their own Parliaments.

* Five million whites, three million coloureds, one million Indians. The number of other Asians is negligible and the term "Indians" has therefore been used to include all Asians except Japanese and Chinese, who should be grouped with the whites as proposed elsewhere in this book.

It would be advantageous if whites, coloureds and Indians who are resident in Black States would also be represented by three representatives in the Parliament of the state where they are resident. The advisability of this step would become more pronounced should redeterminations of the areas of Black States be undertaken and population groups in the states affected consequently became more mixed.

Each WCI State would consist of 20 constituencies for whites, 12 for coloureds, 4 for Indians and 3 for blacks. Delimitation commissions would determine the areas of these constituencies applying the same norms and standards as heretofore.

Election of the number of members in each population group would be for a period of three years and political parties would play their normal role in elections.

A Speaker would be elected by the 39 members of Parliament as soon as Parliament is convened either from the members themselves or from outside, but should he be a member of Parliament he would forfeit his membership as soon as a new representative can be elected in his place. He would preside at all meetings of Parliament and participate in discussions. Should the Speaker not be available for one reason or another the members would elect an Acting Speaker from among themselves who would have a vote for the acting period. The office of Speaker should not be vacant for a longer period than three weeks before a new Speaker is elected, except when Parliament would not be in session and a new Speaker could not be elected. Other office-bearers of Parliament could be elected as and when required.

Resolutions would be carried by a simple majority of votes and 29 members would constitute a quorum. By-elections resulting from vacancies caused by the election of members to the office of Speaker or to the federal Parliament, or for any other reason, would be held as soon as possible but not later than 45 days after such a vacancy has occurred. The election would be for a member of the same population group as the one in respect of whom the vacancy has occurred and only voters of that population group would therefore take part. The national state Parliament would have unfettered legislative powers in all matters assigned to it by means of negotiation and contained in the constitution.

NATIONAL STATE CABINET

A national state Cabinet comprising of a chief minister and eight ministers would be constituted for each WCI State. In accordance with democratic practice, the leader of the strongest political party returned to Parliament would form a Cabinet and he himself would become the

chief minister. He would assign portfolios to his ministers with due regard to all factors which should be taken into account in order to obtain the best possible management team for the state concerned, for instance background, educational standards, achievements and capabilities. Under no circumstances would he, however, be allowed to appoint ministers who are not elected members of Parliament. The Cabinet would be comprised of 5 whites, 3 coloureds and 1 Indian, again proportionately representing the three population groups in the ratio 5:3:1.

Resolutions would be carried by a simple majority of votes but the objective in the Cabinet would always be to reach consensus decisions. The Chief Minister would be the chairman of the Cabinet and as such he would have a casting vote in addition to his substantive vote. Should the Chief Minister not be available for any meeting the members present would elect an acting chairman. The quorum in the Cabinet would be seven members. Should the Chief Minister not be available for office for any length of time he would designate an acting Chief Minister, but should he not be able to do so due to temporary or permanent incapacity, the next senior member of the ruling party would become the acting Chief Minister or the Chief Minister as the case might be, provided the party caucus was in agreement.

Due consideration would have to be given to the necessity that a fine distinction should be drawn between the executive functions which would be performed on national state level and those which would be carried out on federal level. With this in mind, the following portfolios could, for example, be distributed amongst ministers:

CHIEF MINISTER

- Chairman
General matters not covered by the portfolios of ministers.

JUSTICE

- Appointment of the attorney-general and magistrates.
Siting of supreme and magistrate's courts.
Similar functions as those carried out by the present minister but restricted to matters relating to the particular national state only.

FINANCE

- Levying of personal tax on individuals.
Collection of all revenue due to the particular national state and repayment of national state debts.

Apportionment of funds to the federal government for its use or for distribution to other states. Similar functions as those carried out by the present minister but restricted to those which could be classified as national state affairs.

LAW AND ORDER

- Administration of the South African Police Force. Sections of the South African Police would be allocated to the ten national states (WCI States) individually on a basis to be negotiated, and each state would assume operational and disciplinary control over the force at its disposal. Uniform conditions of service would be determined by the federal government for application throughout the Republic. Administration of the prison service.

EDUCATION, CULTURE AND SPORT

- All aspects of education, culture and sport, except conditions of service of teaching and training personnel and officials as well as syllabuses, which would be determined by the federal government (Department of Administration and Privatization) for application on a uniform basis throughout the Federal Republic.

HEALTH

- Provision and administration of State hospitals.
Co-ordination and monitoring control of functions of municipal as well as private medical clinics and other municipal health services.
All other State health matters.

AGRICULTURAL ECONOMICS AND TECHNICAL SERVICES. WATER AFFAIRS AND FORESTRY

- Functions identical to those carried out by the present relevant ministers.
Monitoring the functions of the various control boards.

**LOCAL
GOVERNMENT AND
HOME AFFAIRS**

— Establishment of urban local authorities, regional services councils and rural councils and defining their status, powers and functions. Financial control of local government bodies. Arranging for the appointment of delimitation commissions by the Chief Justice. Supervision and co-ordination of elections for national state Parliaments, municipal councils and other local government bodies.

Immigration matters in consultation with the federal Minister of Manpower and Immigration.

All aspects of environmental affairs in consultation with local authorities.

Administration of national parks as well as health and pleasure resorts.

**PUBLIC WORKS,
MINERAL AND
ENERGY AFFAIRS
AND TRANSPORT**

— Identical functions to those being carried out by the relevant existing ministers but confined to each particular state.

In view of the much smaller areas of jurisdiction of ministers and the lesser populations involved as compared to the present situation, as well as the smaller departments ministers would administer as a result of devolution of power, deregulation and privatization, the appointment of deputy ministers would not be necessary. Should a minister for one reason or another not be in a position to fulfil his duties it would be possible for a colleague to more readily stand in for him on a temporary basis.

FEDERAL PARLIAMENT

A federal Parliament would be comprised of two hundred and forty members, elected in equal numbers from members of the twenty national state Parliaments by the members themselves for a period of three years. They would be elected on the basis of proportional representation of the respective political parties whose members hold seats in each of the national state Parliaments. The twelve representatives from each national state would be entitled to retain their seats in the Parliament of a particular state until the vacancies caused by their election to the federal Parliament have been filled by means of by-elections.

A Speaker and Deputy Speaker would be elected by the members of Parliament either from the members themselves or from outside, but should they have been members of Parliament they would cease to be such members on their election and would be replaced.

A quorum would be one hundred and eighty members. Except for certain matters enumerated hereunder which would require a 75 per cent majority of votes, resolutions would be carried by a two-thirds majority of the votes of the members present. There would however be the proviso that in the event of a member being prevented by illness or by any other cause from attending a meeting where a resolution is to be taken, the parliamentary leader of the party to which such member belongs, or his deputy, would have the right at his own discretion to nominate three other members of the same party to jointly exercise a vote on behalf of such a member.

The following matters would require a 75 per cent majority of votes of the members present in order to form a valid constituted resolution: (The proviso mentioned above would also apply in these instances.)

- (a) Amendments to the constitution.
- (b) Declarations of war or making of peace.
- (c) Treaties, defence pacts or any other agreements with foreign countries.
- (d) Deployment of the Defence Force or the Police Force, outside their normal duties, against any country or state, outside or inside the Federal Republic, or against any person or groups of persons, except to restore law and order in a national emergency.
- (e) Admittance of a state into the federation.
- (f) Acceptance of secession, or the expulsion of any national state out of the federation.
- (g) Proclaiming and terminating martial law and states of emergency.

FEDERAL PRESIDENT

The President would be elected by all the members of the federal Parliament for a period of three years, to coincide with the life of a Parliament. He would be the head of the Federal Republic and its chief executive officer. He would be a member of the Cabinet as well as chairman thereof.

He would not be a member of Parliament but would be entitled to speak in any chamber although he would not have a vote. Before a person could be appointed to the office of President he would have to qualify to become a member of Parliament but should he be such a member

he would cease to be one on appointment to the office of President.

Although the President would be chairman of the Cabinet, where he would continuously strive for consensus decisions, he would not head any government department. Two of his main functions would be firstly to serve as a unifying factor for all the people of the Federal Republic and secondly to promote friendly relations with foreign countries.

He would be commander-in-chief of the armed forces and his specific executive functions would be:

- (a) Accrediting of Cabinet ministers and the allocation of ministerial portfolio's in consultation with the Prime Minister.
- (b) Appointment of appeal court and supreme court judges in consultation with the Cabinet.
- (c) Convening, proroguing or dissolving Parliament in consultation with the Cabinet.
- (d) Declarations of war or making of peace with the approval of the federal Parliament.
- (e) Ratification of treaties, defence pacts and other agreements with foreign countries as approved by Parliament.
- (f) Proclaiming and terminating martial law and states of emergency with the approval of Parliament.
- (g) Appointment of diplomatic representatives in foreign countries and accrediting such representatives of foreign countries in the Republic in consultation with the Cabinet.
- (h) Pardoning and reprieving persons convicted of criminal offences in consultation with the Cabinet.
- (i) Signing of all bills passed by Parliament.

THE FEDERAL CABINET

A federal Cabinet of ministers comprising ten members would be chosen by the elected members of the federal Parliament from among the members themselves. Members of the Cabinet would elect a Prime Minister from among themselves who, in consultation with the President, would be responsible for the allocation of portfolios to ministers.

The following portfolios in the federal Cabinet could be considered:

- | | |
|------------------|---|
| 1 Prime Minister | — All general affairs falling outside the portfolios of ministers.
Deputizes for the President when necessary.
Responsible for the day-to-day executive |
|------------------|---|

- functioning of the government.
Allocation of portfolios to ministers in consultation with the President.
- 2 External Affairs — Normal functions of a Minister for External Affairs.
- 3 Defence — Responsible for the control, administration and co-ordination of the functions of the armed forces of the Federal Republic.
- 4 Finance — Budgetary control.
Levying of federal tax:
(a) Mining companies;
(b) Non-mining public companies;
(c) General Sales Tax or Value Added Tax;
(d) Customs and Excise Tax;
(e) Import duties;
(f) Any other tax decided upon by Parliament.
- Flotation of internal and external loans and repayment of loans.
Collection of revenue due to the federal government and apportionment of surplus revenue to the national states.
Implementation of financial aid to the national states.
All other functions similar to those carried out by the present minister which could best be performed on a federal government level.
- 5 Constitutional Development and Planning — Implementation of the constitutional amendments arising from a new political dispensation.
General planning aspects in consultation with the national state governments as well as the Ministers of Trade and Industry, Finance and External Affairs.
- 6 Administration and Privatization — Co-ordination of the functions of semi-state undertakings including those which

would have remained the responsibility of the State after privatization has been effected in part.

Civil service matters which would be the responsibility of the federal government. Implementation of federal Parliament resolutions on the following matters:

- (a) Devolution of power.
- (b) Deregulation.
- (c) Privatization.

- | | |
|--|--|
| 7 National Health and Population Development | — Similar functions as those carried out by the present minister. |
| 8 Tourism, Information and Communication | — Promotion of tourism
All information aspects.
Broadcasting services and the film industry. |
| 9 Manpower and Immigration | — Matters relating to the optimum utilisation of manpower and promotion of all training aspects in regard thereto.
Creation of new avenues of employment.
Immigration matters. |
| 10 Trade and Industry | — Similar functions as those which are the responsibility of the present minister. |

Resolutions would be carried by a simple majority vote but the objective would always be to obtain consensus decisions in the Cabinet and in this respect the President would play a major role. The quorum would be seven members including either the President or the Prime Minister. In addition to their substantive votes both the President and the Acting President would have a casting vote.

THE JUDICIARY

The legislative and executive authorities would remain separated from the judicial authority which is vested in the Supreme Court of South Africa with its appellate division and its provincial and local divisions. The network of magistrates' courts administered by the Department of

Justice would also remain part of the judicial system.

LOCAL GOVERNMENT BODIES

Local government bodies of whatever form and whether urban or rural, would be concerned with basic community life in all its aspects. These authorities would have unfettered rights in the administration and development of communities in their areas of jurisdiction at grass roots level, provided their actions did not violate any provision of the constitution, any law, local, national or federal, or declared national state or federal policy. It is here, at community rank and file level, where the policy that each population group should be responsible for administering their own affairs separately and without interference from any outside group or body, would come into its own. It is also at this level that this policy would be most effective in eliminating racial conflict.

By means of a maximum devolution of power from federal and national state level to local government level, coupled with deregulation and privatization of government undertakings as far as this is feasible, the various local government institutions could well become the most important functioning level in the government process. This in any event is the goal to be strived for, the whole concept of the proposed system being a government for the people by the people.

It is therefore recommended that in every magisterial district in the proposed WCI States, there should be established, firstly, urban local authorities of one status or another for all the urban areas of the district, and secondly, rural councils for the rural regions, separately for each population group or jointly for some groups as at present. As mentioned earlier, there are at present approximately forty fully-fledged municipal councils and three hundred town committees established for blacks resident outside the independent or self-governing states. For whites there are more than five hundred local authorities, comprising city councils, village councils and town and health committees. Several hundred local affairs or management committees, some with full municipal status, are in operation for the coloured and Indian communities. A start has already been made with the establishment of rural councils.

Multiracial regional services councils are functioning in various parts of the country on local government level. These councils co-ordinate the supply of large-scale services to local communities, for instance, electricity, water, sewage and refuse disposal, roads, storm water drainage and traffic control. The councils consist of representatives of local authorities, urban or rural, in the region for which a particular council has been

established. Minority guarantees, such as a two-thirds majority required for decisions as well as certain appeal procedures, have been provided to obviate attempts at domination by the larger local authorities.

The regional services council system would be extended to cover all areas where the operation of such a system could beneficially serve the interests of all communities in the four population groups. Divisional councils existing in the Cape Province at present would be phased out. Apart from the aspect of the rendering of large-scale services, there are also other matters in local government which do not only concern the members of a specific population group but also members of more than one group, and it is in this respect that the regional services councils would play an increasingly important role. Where legislation would be called for, proposals, or even draft legislation, could be submitted by these councils to the national state Parliament concerned for consideration and further processing.

In the Black National States, governments would be free to set up their own forms of local government based on their own traditional cultures, practices and legal systems. Though with the proviso that none of the actions of such authorities would be in contravention of the provisions of the constitution, any law or policy of the national state government concerned or of the federal government.

The functions of urban local authorities, rural councils and regional services councils in the white/coloured/Indian States (WCI States), and where feasible also in Black States, would comprise the following:

- (a) Provision of —
 - (i) Land for housing for the various socio/economic groups.
 - (ii) Land for schools or other government buildings.
 - (iii) Land for industrial, trading and for other business or professional use.
 - (iv) Water supply
 - (v) Electricity supply and street lighting.
 - (vi) Roads, streets and sidewalks.
 - (vii) Sewerage and stormwater drainage.
 - (viii) Parks and sports fields.
 - (ix) Community halls and health clinics.
 - (x) Administration blocks and communal halls.
 - (xi) Graveyard and crematoriums.
- (b) The development of housing programmes in conjunction with the private sector.
- (c) Approval of building plans and inspection of construction work carried out by private contractors.

- (d) The provision and co-ordination of health services in conjunction with the national state and federal governments.
- (e) The proclamation and enforcement of by-laws.
- (f) The administration of —
 - (i) municipal security and traffic police,
 - (ii) fire fighting services,
 - (iii) graveyards and crematoriums.
- (g) The maintenance of all municipal buildings, installations, roads, pavements, parks and sports fields.
- (h) The levying and collection of water and electricity tariffs, rates and taxes on fixed property, sewerage and refuse removal charges.
- (i) Collection of rents in respect of municipal houses and flat units as well as community halls, other municipal premises and sports fields.
- (j) The encouragement and promotion of private home ownership and small business enterprise.
- (k) Any other function allotted to a local authority in terms of the policy of devolution of power.
- (l) Any other responsibility, power or service normally performed by a local authority.

K (a) REGISTRATION OF VOTERS AND ELECTIONS: WCI STATES

Citizens of all four population groups would be registered as voters on four separate voters' rolls as is the case at present, in either the urban or rural areas where they are resident in a particular magisterial district.

The various WCI State governments would be responsible for the establishment of additional urban local authorities and rural councils in magisterial districts for the specific population groups, should population numbers in each case warrant it. The number of members of each urban local authority or rural council would be determined. Delimitation commissions would define the constituencies with due regard to the norms which are applied at present or would be decided upon in future. This would in effect mean that in every magisterial district throughout a WCI State there would eventually be one or more urban local authority, each for a specific population group, as well as a number of rural councils on a similar basis, or jointly for some population groups.

As the franchise would be extended to blacks at all levels of government, all adult citizens, that is from the age of eighteen years, would be entitled to vote for representatives in respect of the areas where they are

resident, on local authority, national state or federal government level, as follows:

BLACKS —

- (a) The determined number of representatives on urban local authorities or rural councils.
- (b) Three representatives in the national state Parliament of the WCI State concerned.
- (c) In conjunction with the citizens of a Black State to which the voters concerned are linked on the grounds of ethnic origin, the required number of representatives in the Parliament of such a state, as well as twelve representatives from the state concerned in the federal Parliament.

INDIANS —

- (a) The required number of representatives on urban local authorities or rural councils.
- (b) Four representatives in the national state Parliament of the WCI State concerned.
- (c) In conjunction with all the other members of Parliament a total of twelve Indian, coloured and white representatives from each WCI State in the federal Parliament, elected proportionately to the strengths of the various political parties represented in the parliament of the state concerned.

COLOURED —

- (a) The number of members determined for the respective urban local authorities or rural councils.
- (b) Twelve representatives in the Parliament of the national state concerned.
- (c) In conjunction with all the other members of Parliament a total of twelve coloured, Indian and white representatives from each WCI State in the federal Parliament, elected proportionately to the strengths of the various political parties represented in the Parliament of the state concerned.

WHITES —

- (a) The required number of representatives on urban local authorities or rural councils.

- (b) Twenty representatives in the WCI national state Parliament concerned.
- (c) In conjunction with all the other members of Parliament a total of twelve white, coloured and Indian representatives from each WCI State in the federal Parliament, elected proportionately to the strengths of the various political parties represented in the Parliament of the state concerned.

K (b) REGISTRATION OF VOTERS AND ELECTIONS: BLACK STATES

There would be no need to change the system of registration of voters, the eligibility of voters or election procedures which are in operation in the independent and self-governing states at the present time.

There would also be no necessity for the establishment of local government bodies, that is urban local authorities and rural councils, in the Black States. The governments of the states concerned might in any event desire to retain their local government structures based on tribal and regional authorities.

Furthermore, the constitution of their Parliaments would be the unquestionable prerogative of the Black State governments concerned. Transkei's Parliament, for instance, comprises of 75 seats held by traditional chiefs and 75 seats held by elected representatives. Should any Black State government, however, desire to conform to the government structures which function in WCI States they would be free and welcome to do so.

Citizens resident in these states would be entitled to elect representatives, other than those nominated on the various government levels, as follows:

- (a) The number provided for tribal and regional authorities.
- (b) The required number in national state Parliaments.
- (c) Twelve representatives from each national state in the federal Parliament.

Citizens who are residents of WCI States but are ethnically linked to a particular Black State would, in addition to the voting rights they have in the WCI States, be entitled to exercise their votes for representatives in the Parliament of the Black State concerned at every general election. This could be effected physically or by means of a system of postal voting, or remote voting, with the aid of a computer system. Similarly to the present system where black citizens resident outside the six self-gov-

erning states vote in regular elections to constitute the governments of such states.

It would further enhance the true democratic objective of the new Federal Republic if a number of representatives could be elected by Indian, coloured and white residents of each Black State, to give them representation in the Parliament of the particular state in the same way as black residents of WCI states would be entitled to three representatives in the national Parliament of each of these states. This proposal would, however, not constitute a condition of federation forming.

Governments of the Black States would decide for themselves when and how general elections would be held. They would, however, be required to nominate their representatives from each state in the federal Parliament within a period of fourteen days after a general election in the WCI States. Should seats in the federal Parliament become vacant, they would have to be filled as soon as possible, but in any event within a period of no longer than thirty days from the date the seats became vacant.

ADVANTAGES OF THE PROPOSED SYSTEM

It should by now be evident that the plan for a new political dispensation, outlined in the previous pages, would to a very large extent overcome South Africa's socio-economic and socio-political problems. And it would create the right climate for the development of positive attitudes of people towards one another, and for the realisation of the importance to work together. This is not to say that the finer aspects of the plan should not be the subject of dialogue and negotiation among all the population groups; one or two population groups should not dictate to other groups what is best for them. But the plan contains the necessary essentials that would work for South Africa provided there is a small measure of give and take on the part of all interest groups.

It is nevertheless considered necessary to highlight the more important advantages of the proposed system in some detail, under specific headings.

A RESIDENCE AND ASSOCIATION

- (a) It would be possible to ensure that every South African citizen of whatever colour, race, language or creed would be able to live freely and without fear in accordance with his or her own traditions, beliefs, affiliations and customs in a community of the same colour, race, language or creed. But in certain circumstances also in a community differing in one or more of these respects, should they so desire. All citizens would be able to enjoy their own separate way of life, yet have full political and economic integration with members of other communities and population groups.
- (b) A citizen's rights of association or disassociation with other people would at all times be respected and protected not only by legislation but also by public opinion.
- (c) Private home ownership would be encouraged and actively promoted, not only by the relevant government bodies but also by banks, building societies and other private sector institutions and individuals, as property tenure would be secure. The necessary infrastructure for community development would be ensured by more active involvement of members of the communities them-

selves in securing the participation and co-operation of the private sector as well as State support and State initiatives and assistance where required.

B VOTING RIGHTS AND THE EXERCISING OF VOTES

As voting rights would be extended to all adult South African citizens for elections at all levels of government, the biggest bone of contention in South Africa's politics, namely that all citizens do not have the franchise, would be removed. The voting system would be uncomplicated and the necessary motivation would therefore exist for maximum participation in general or by-elections with high percentage polls being the order of the day instead of the exception.

C MINIMAL GOVERNMENT AND MAXIMUM FREE ENTERPRISE

Government interference would be limited in all spheres of living and free enterprise would expand without any unnecessary enforced restrictions as the concepts of deregulation, privatization and devolution of power would be implemented to a maximum extent, made possible by a basically sound constitutional mechanism.

The proposal that urban local authorities and rural councils for the specific population groups should be established for every urban and rural area in magisterial districts throughout the length and breadth of the land, as well as the establishment of regional services councils for all groups, would mean that all citizens in the country would virtually govern themselves through their elected representatives in respect of all every-day matters, except perhaps for financial control that would be exercised by the national state governments. Only matters that could not be passed on to local government bodies for the necessary attention, or could not be classified as local authority matters, would be taken care of by the national governments or federal government.

D FREEDOM OF MOVEMENT AND CHOICE OF RESIDENCE

Every citizen would have free movement anywhere in the Federal Republic of South Africa. He would also be entitled to take up perma-

ment residence in any state provided the accommodation has been approved by the relevant urban or rural local authority. Also if employment is available or he is self-employed or not dependent upon employment for a living. The approval of accommodation is necessary in order to obviate inadequate or unhygienic housing conditions in the interests of all citizens. Housing programmes would in any event receive top priority.

E THE CONSTITUTION, STATUS OF CITIZENS AND A BILL OF RIGHTS

The basic conditions of entering into the federal system as agreed upon by the majority of South African citizens by means of a referendum, as well as the accompanying provisions of the new constitutional system, would be entrenched in the new constitution together with the existing provisions which are not inconsistent therewith. It could therefore be argued that these conditions would adequately safeguard the dignity and rights of every citizen and that a Bill of Rights would not be necessary.

There could, however, be no objection to the more pertinent provisions in this context being drafted separately in a Bill of Rights as an annexure to the constitution. This would serve as an act of good faith on the part of members of all race groups towards one another.

The provisions of the Bill of Rights and the constitution would be enforced by the judiciary and would only be able to be amended by a seventy-five per cent majority in the federal Parliament.

As all citizens of the Federal Republic would enjoy equal rights, the status of members of the various race groups would be levelled out and equated, and the existence of minority groups would disappear to a large extent.

F ABOLITION OF DISCRIMINATORY LEGISLATION

With the abolition of the present discriminatory legislation based purely on considerations of race in favour of natural and economic laws and voluntary associations or disassociations between people, valid for all population groups, another serious bone of contention would be removed.

G LANGUAGE PROBLEMS ELIMINATED

Citizens resident in WCI States would be able to speak one or both of

the official languages, namely Afrikaans and English. In Black States the predominant language of a particular state, together with either English or Afrikaans, would be recognised as the official languages of that state. For practical purposes English and Afrikaans would be the official languages in the federal Parliament. Education would be through medium of the mother tongue, in the sense that the major language of the community where the school is situated would be regarded as the mother language, unless for good reason it is decided otherwise with the approval of the education authorities as well as the parents who are affected.

H REDETERMINATION AND CONSOLIDATION OF BLACK STATES

As the twenty national states would constitute the greater South Africa, assuming that Transkei, Bophuthatswana, Venda, Ciskei and the six self-governing territories accept federation, it would be possible from a political point of view to redetermine the geographic areas and effect a more meaningful consolidation of the Black States, with the following objectives in mind:

- (a) To achieve a more even economic distribution of basic assets and potential income among the twenty states.
- (b) To render uneconomic states more viable.
- (c) Obtaining a more equitable division of the country as a whole into autonomous states of equal financial standing as far as this would be possible.
- (d) Ensuring clarity and ease of administration which would not only be in the interests of the various government bodies concerned, but would be of the greatest value to the inhabitants of the territories in question.

I DEVELOPMENT OF BLACK STATES

As it would be a condition of federation forming that surplus revenue accrued to the federal government would be apportioned to all the twenty states on a basis agreed to from time to time by the federal Parliament with due consideration as to where these monies would be most needed for development purposes, the necessary capital for development would be made readily available to the Black States. The canalization of the capital in question could be effected through the Development Bank of Southern Africa, as an agent of the federal

government. Deregulation, devolution of power to local government level, privatization and minimal high level government would reduce state spending, which would result in substantial tax savings and an increase in financial resources for investment and development purposes. As it would be in the interests of all South Africans to build up an economically strong country, assistance on a voluntary basis would also be readily forthcoming from the private sector and the governments of WCI States.

J TRUE DEMOCRACY

In WCI States all representatives on government bodies would be elected and not nominated or appointed. The President and even the federal Cabinet ministers would be elected by members of the federal Parliament from among their ranks. Representatives in the federal Parliament would be elected by members of WCI national state Parliaments from among themselves, proportionately to the strengths of the various political parties represented in the Parliaments concerned.

The leader of the strongest political party represented in the Parliament of each WCI State after a general election, would form a Cabinet and appoint ministers, but only from members elected by the people to serve in Parliament.

In Black States the normal election procedures would apply. The instances where chiefs and headmen are nominated to serve on government bodies would gradually give way to free election practices.

Trade unions, political parties and other movements would be free to influence people in respect of labour, economic, social and political matters.

K SIMPLICITY AND PRACTICABILITY OF THE SYSTEM

The proposed system is so uncomplicated that the man in the street would understand it perfectly. This would facilitate the public's participation in the government process. Abridged versions of the constitution would be drafted in simple language and made available to citizens at minimum cost.

Except in the case of the Black States where different election procedures and tenure of office of members of Parliament could apply, general elections would be held every three years. If advisable in certain circumstances, it would be possible to arrange that representatives for all

three levels of government are elected at more or less the same time. Black voters resident in WCI States would have an additional vote, namely to vote for representatives in Black State Parliaments, which might have to be exercised on different days from general elections in WCI States, but it could be anticipated that uniform procedures in this regard would soon be followed by all states.

The proposed system could also be introduced without large-scale disruption of existing government structures or functions and could be operative in a comparatively short time. In this context the following factors are important:

- (a) Black citizens are already on the voters' rolls of local authorities which have been established in most parts of the country. These voters' rolls could form the basis for the extension of the franchise to all levels of government.
- (b) There would be no need to amend the legal requirements for the registration of voters.
- (c) The amendment of the constitution, after approval has been obtained from the people by means of a referendum, would only involve the necessary resolutions of the tricameral Parliament and the consequential legal adjustments.
- (d) Existing control boards and other government institutions that are not inconsistent with the new system could continue functioning as before.
- (e) In order to eliminate any possible overlapping and confusion of national state and federal executive functions, including the implementation of parliamentary resolutions on both these levels, the federal Parliament could have its sessions during the first six months of the calendar year and the national state Parliaments during the latter half of the year, or the other way about should this be preferable.

L ECONOMIC AND POLITICAL ADVANTAGES

1. AS SEEN FROM AN INTERNATIONAL POINT OF VIEW

In view of the essentially democratic nature of the proposed constitutional dispensation and because it would ensure that the dignity, cultures, traditions, affiliations, customs and languages of the various population and race groups are protected, its introduction would be welcomed internationally. The recognition of the Federal Republic of

South Africa would have incalculable political and economic advantages to the country. The following advantages are the most important:

- (a) The lifting of sanctions and the expansion of two-way trade with numerous countries.
- (b) The discontinuance of the disinvestment policy and the return of foreign business interests to South Africa.
- (c) The re-opening of loan money markets coupled with an inflow of large amounts of development capital.
- (d) Access to internationally available technological and medical expertise.
- (e) Normalization of sports policy towards South Africa and the restoration of world links in sport.
- (f) Return of emigrants and acceleration of selective immigration.
- (g) Acceptance of South Africa in political world councils.

2. INTERNALLY

- (a) Most political parties and movements would find a home in the constitutional model proposed and political moderation would become the order of the day.
- (b) In specific community group areas in WCI States, members of the communities concerned would virtually govern themselves on local authority level. There would therefore be no need to establish "homelands" for coloureds, Indians and whites.
- (c) True partnership and political power sharing would take place among all four population groups on national state as well as federal level, with a resultant national unity of all citizens which would not have been possible previously.
- (d) Nothing would stand in the way of implementing the concepts of deregulation and devolution of power in many fields from high level government to local authority level, leading to large-scale savings of state expenditure.
- (e) The time, energy and money spent on seeking solutions to constitutional problems would be things of the past. It would then be possible to pay more attention to the socio-economic problems of the country.
- (f) The unemployment position would improve, unrest would cease, and it would be possible to lift the state of emergency.

ADDITIONAL INFORMATION AND EXPLANATIONS GIVEN IN THE FORM OF QUESTIONS AND ANSWERS

What other suggestions are there to ensure the acceptance and smooth functioning of the proposed dispensation?

Discontinue the every-day use of the terms "black", "white" and "coloured" when used on a personal basis. These terms should only be used in a collective sense to distinguish between the four population groups. All citizens of the country should be referred to as South Africans. The ethnic origin or language group of a citizen should also be indicated only for differentiation purposes where necessary, for example, South African (Zulu), South African (Northern Sotho), South African (Coloured), South African (English) and so on. In the spoken language it would also be preferable to refer to a man as a "Xhosa" rather than a "black man", or refer to a man as "Afrikaans" in preference to he is a "white", in cases where a distinction in citizenship is necessary.

Why is it proposed that coloureds and Indians but not blacks should be grouped with whites in the WCI States?

There are four principal reasons for this grouping:

Firstly, in all major respects the coloured and Indians are "westernised" peoples in a greater sense than the urbanised blacks and their social development has been inclined to lean towards the whites for many decades.

In the second place, they have never had well defined "home" areas as in the case of blacks but have always lived in close proximity to the whites in the so-called "white areas".

Thirdly, in 1976 the Theron Commission found that "the coloured

community was not a nation in the making and the lines of parallel development between them and the whites should be gradually narrowed.”

In the fourth place, most of the blacks who are at present resident in “white” areas stem from families who up to two or three generations ago lived in their traditional “home” territories, where their development in the socio-economic and socio-political fields has taken place, where they have adhered to their own cultures, language, tribal loyalties and customs, and to which areas hundred of thousands are desirous of returning as soon as they reach pensionable age or could otherwise economically afford to do so. Blacks who would be resident in WCI States would, however, have full political, economic and residential rights. On local community level they would have local government institutions to look after their interests. They also would have representation in the WCI State Parliaments as well as in the federal Parliament and Black State Parliaments. They would be regarded as permanent residents of the WCI States but there could never be an intention that the sovereignty of their cultures should in any way be impaired.

Could a case be made out for more coloureds to be classified as whites?

Yes. Reclassification could take place on a less stringent basis than before on application, that is in instances where coloured people desire to be classified as whites. No differentiation should also be made in classifying the Malayan group of the coloured people as whites, should they so wish. They are a proud people, some descending from royal families. They speak a dialect of Afrikaans and many of them are strikingly white in colour. Since the seventeenth century when they first arrived in South Africa, they have made a great impact on the South African culture especially in the culinary field. They are, however, a reserved people and endeavour to preserve their identity as a separate group as well as their Muslim traditions.

Why are Indians recognised as a separate population group from that of the Asians?

The only other race group of any numerical significance included in the Asian population group are the Chinese who could for all intents and purposes be classified as “white”.

Is it feasible that blacks would accept power sharing on a fifty-fifty basis with whites, coloureds and Indians, at the highest level of government, that is the federal government?

Yes. Black people are entitled to a share in the wealth, the social system, housing, job opportunities, medical and other services and in the government process of the country along with the other three population groups. The proposed system would ensure that all four population groups have an equal share of what South Africa has to offer in these respects, in an equitable and practical manner bearing in mind the realities of the situation in the country. All population groups have made a contribution towards the development of the country in equal measures. It should be emphasized that although federal government can be regarded as the highest level of government, government on local authority level would be more important to the vast majority of citizens. On this level each population group would have a full say in their own affairs, that is of the community relating to the specific group, but also would have a say in affairs which might affect more than one group, through the system of regional services councils. National state governments would be equally important in the government process of the country as a whole, and blacks would have full representation in these structures together with the other population groups.

Furthermore, people who say that blacks would not be satisfied until they have all the political power, are entirely wrong. Black people want to work in co-operation with members of the other population groups and there is a tremendous amount of goodwill emanating from them, which can be experienced on a daily basis where blacks serve the public, at petrol service stations, in supermarkets, in banks, hotels, restaurants, in fact everywhere.

Would the Federal President not inflict his will upon the people?

On the contrary, the proposed system would be as democratic as possible right up to the level of President. Decisions taken by the President or for that matter the Prime Minister or the Cabinet, would normally flow from decisions and recommendations taken by local authorities or at national state level and would not go against the wishes of the federal

Parliament whose members would be chosen by representatives in the national state Parliaments, elected by the people. In any event, as indicated earlier on, there would be adequate safeguards built into the constitution to obviate any decisions of major importance against the broad will of the people.

What would happen to the Joint Executive Authority for KwaZulu and Natal?

In the new dispensation it would no longer be necessary to have this authority. All existing government bodies, authorities or institutions which would be incompatible or superfluous to the new system would be disestablished.

How would the Defence force function?

The various regiments operating as at present in the different states and provinces would be retained and new ones established with bases in the twenty national states, each one with its own command. There would be a sound interrelationship between commands, and joint exercises would take place as and when required.

All units of the Defence Force would be under the general command of the Minister of Defence of the federal government and his chiefs of the four military arms namely the Air Force, Navy, Army and Medical Service. The Minister of Defence would however, be responsible to the Prime Minister as well as the President who would be commander-in-chief of the armed forces.

Why is it considered that the plan would be welcomed internationally?

It should be borne in mind that most of the countries in the West as well as some in Africa and the East are anxious to do business with South Africa and to co-exist with the country on a friendly basis. Most of the countries who have recently adopted a hostile attitude towards South Africa have done so chiefly on account of some of her internal policies which are regarded as being incompatible with world opinion on the issues involved.

The three main issues which adversely influence world attitudes are the following:

- (a) Existing discriminatory legislation based purely on considerations of race.
- (b) Inadequate recognition and protection of the dignity, self-determination and rights of the individual.
- (c) The fact that black citizens do not have the franchise at all levels of government and therefore do not participate fully in the political process of the country.

The plan is founded on a "give and take" philosophy affecting all population groups and would do away with the policies which might create conflict and hostility. In a manner which would not lead to economic, social and political chaos but to a well-ordered society which should find favour with all citizens. It would be appreciated internationally that the plan is a genuine attempt, and a successful one, to bring the Republic more into line with responsible world opinion on individual rights and liberties.

The circumstances which presently bar South Africa from taking up her rightful place in the front rows of the leading nations of the world would be ended.

REFERENCES

Republic of South Africa Constitution Act, No 110 of 1983 as amended by:

Constitution Amendment Act, No 105 of 1984.

Powers and Privileges of Parliament and the Constitution Amendment Act, No 99 of 1985.

Provincial Government Act, No 69 of 1986.

Constitution Amendment Act, No 20 of 1987.

Constitution Amendment Act, No 50 of 1988.

Constitution Third Amendment Act, No 101 of 1988.

Black Communities Development Act, No 4 of 1984.

Black Local Authorities Act, no 102 of 1982.

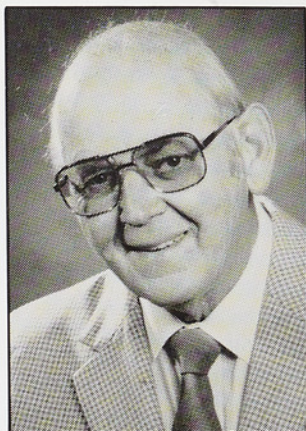
Regional Services Councils Act, No 109 of 1985, as amended in 1988.

Chapter 7 of the 1986 edition of the South African Yearbook: Constitution and Systems of Government.

This is South Africa: Compiled by the Publications Division of the Government Bureau for Information — various editions.

South Africa Profile: Issued by the Bureau for Information, Pretoria, July 1987.

Before his retirement on 30 June 1986 Armand Steenhuisen was a co-Director of the West Rand Development Board. The area of jurisdiction of the Board comprised Johannesburg, Sandton, Randburg, Roodepoort, Krugersdorp, Randfontein and Westonaria. The Board was, amongst other things responsible for the development and administration of the city of Soweto and other black towns in its area, before they received local authority status, as well as the placement of black workseekers in employment and the provision of certain basic training programmes for school leavers and other unemployed persons. He is married to Mona Kolver and they have a son, daughter-in-law and granddaughter.



This book was not written with the intention that it should be a criticism of any person or organization, political or otherwise. But merely to focus attention on the realities that face South Africa. To suggest a new political dispensation for all South Africans with a truly democratic constitutional system, providing equal economic and political opportunities for every one.

It is conceded that the general consensus of opinion is that a new political dispensation could only be brought about by means of negotiation among leaders of political movements and other interest groups. Should the dispensation which is proposed in this book serve as a blue print for such negotiations, however, much would be achieved.

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