

WORKING GROUP 4FUTURE OF TBVC STATESBACKGROUND

The advent of the Homeland System led to the fragmentation of South Africa along ethnic and racial lines with the attendant inequalities in the distribution of land and all other resources. What is peculiar about the homeland policy is that Blacks are seen as disparate national entities whilst Whites are grouped as one, irrespective of their historic origin. This division of Blacks is based mainly on language differences, yet linguistic differences among the Africans are much smaller than those among the Whites. This is nothing else but a pseudo-scientific way of camouflaging the principle of divide and rule. This is the policy which could be said to have a bearing even on the inter-tribal strife we have today.

We have evidence even to-day of how politics of separation have affected black people - the worst example being in education. In 1954 Dr Verwoed who we know to be the Father of Separate Development, had this to say about Black/African education in parliament of that year - that it should stand with both feet in the reserves and should be based on tribal organisation. He added that there was no place for the African in the White community "above the level of certain forms of labour", and he condemned the

existing system of education as having "misled the African by showing him greener pastures of European Society in which he was not allowed to graze" (for part of the above paragraph see University of Transkei Re-incorporation Seminar 1990 - Dr W.M. Tsotsi, Page 11, first paragraph).

The subject of Transkeian independence has been a bone of contention not only at home but abroad before and after its advent. The hot debate it elicited at its conception has started all over again. In 1974 a referendum was purported to have been conducted on the future constitutional status of the country and most Transkeians believe the method used was more prescriptive than democratic and the segment of the Transkeian nation whose views were sought was very tiny to say the least and therefore grossly unrepresentative as only the views of Tribal and Regional authorities and a few associations existing at the time were canvassed, when each individual should have been allowed to express his/her will through the ballot box.

It is an open secret that Transkeians have always identified with the struggle for liberation in South Africa and treated this country as an integral part of South Africa without envisioning secession of any kind either by manipulation, skillful diplomacy or forced decision. Even during the time of Parliament in Transkei - politicians there never saw their independence as an end in itself but as a platform from which to canvass the final liberation of Blacks in the rest of South Africa. Many Transkeians are internationally renowned for their vehement opposition to, and

unceasing virulent attack on, the apartheid system which has resulted in the balkanisation of South Africa.

When these emergent States became independent, they were never politically recognised by either the OAU or the United Nations. In the eyes of the international community these States were nothing else but the spawns of apartheid.

In the whole process of democratisation it is only logical that when apartheid crumbles and a new order takes place these citadels of apartheid should also crumble, and that the way out should be re-incorporation.

THE TERMS OF REFERENCE

One cannot address all the items on the terms of reference for Working Group 4 until intensive studies and research have been concluded. In respect of some of these, like in other Working Groups, sub-committees will soon have to be appointed to provide inputs that will lead to well reasoned findings and recommendations to Codesa. Coming to the specific items - 1.1.4 of the terms of reference - our delegation is of the view that:

1.1.4(a) A sub-committee will have to look into all the statutes that gave rise to each of the TBVC States and analyse the consequences of reincorporation if this should be opted for by the citizens concerned.

1.1.4(b), (c) & (d) The "desirability or otherwise of the re-incorporation of such States" cannot in our view be separated from the notion of "testing the will of the people concerned regarding re-incorporation or otherwise of the TBVC States by acceptable democratic means." The whole process of reincorporation has as its starting point the testing of the will of the people. It is true that in some of these States the people have sent signals of their willingness to go back to South Africa. This is true of quite a number of those people who are members and supporters of the various liberation movements. With the exception of a few success stories the majority of the people in these States have seen how financial constraints and a dependence on South Africa amid the shouts of South African taxpayers have limited development.

Through non-recognition the TBVC States have been denied access to international aid and money markets because they are regarded as an integral part of South Africa.

In Transkei for instance it is unlikely that the majority of the people will be against re-incorporation. What is of common concern and importance now is how to measure that opinion. For posterity, this all important step must be executed in such a way that should future generations not find the New South Africa meeting, or rising to, their expectations there would be great security in the knowledge that as a matter of historical record the views of the people were tested.

In a paper delivered by Velaphi Vuyo Walter Duba at the University of Stellenbosch on the reincorporation of the independent/national States the following views were made regarding how to measure public opinion on this issue:

"Perhaps what we should concern ourselves with is how to measure that opinion. Many methods may be used. One method may be to solicit organisational or party opinion from the groups that operate in these TBVC States. The opinion held by the majority of these organisations or parties would be the determining factor. However, the basic flaw of this method is that not all the people of these TBVC States belong to the organisations or parties. The opinion, therefore, will not be representative enough.

The other method would be to submit the question of reincorporation to the vote of the people, i.e. a referendum. It can either be imperative, controlling or facultative as long as at the end of it all it obliges the government to act in accordance with its outcome. This method seems more favourable. Every TBVC State citizen who is entitled to vote, irrespective of organisational or party affiliation or non-affiliation will be given a chance to express his or her opinion through a ballot paper. The outcome will be the opinion of the TBVC citizens. Further it will afford the politicians an opportunity to test how the people in general will behave during the oncoming elections. Further, and

most important, it will afford the people of the TBVC States an opportunity to shape their own future democratically.

Some argue that there is no time left for such an involved and expensive method. Be that as it may, referenda on re-incorporation may simultaneously be conducted in the TBVC States.

Referenda are methods used under international law. Although the TBVC States are neither de facto nor de jure recognised as States under, or (by) subjects of, international law, it will be wiser and more proper to use international law principles when dealing with the issue of re-incorporation."

We as a Transkei delegation on Working Group 4 fully endorse the views expressed above.

If testing the views of the people is undertaken as a Codesa exercise, on the flip side of the coin it would help people in the States where the current authorities do not favour re-incorporation, to voice an opinion.

Thus we see the whole exercise taken and financed as a Codesa exercise which could be scheduled to take place concurrently in all the TBVC States. As this exercise has a direct bearing on Transitional or Interim arrangements it must be tackled expeditiously using mechanisms which achieve results as soon as it can

possibly be arranged. Mechanisms to keep people informed will also have to be devised.

A suitable climate to ensure that political parties, interest groups and individuals canvass freely for their supporters to make their choice wisely and without intimidation, will be desirable. That should be seen as the beginning of a democratic process and free political participation. In preparation thereof use will have to be made of an unbiased media as a source of information.

1.1.4(e) A sub-committee will have to be established to look into ways and means of retaining business confidence in relation to existing investments in the TBVC States.

1.1.4(f) Land transfers by South Africa to the TBVC States should be suspended until the will of the people is known regarding re-incorporation. It is assumed that as a result of reincorporation there will be a re-determination of boundaries along geographic and economic lines.

1.1.4(g) Where re-incorporation has been opted for there should be common South African citizenship for all.

1.1.5(a) Proposals for re-incorporation into South Africa will

be guided by findings and recommendations of a sub-committee which we consider is needed for this.

- 1.1.5(b) Transitional arrangements in those States which will have opted for re-incorporation should be brought about in such a way as to ensure that the lives of the affected people are not disrupted. The existing administrative machinery should remain intact until suitable substitute arrangements are in place.
- 1.1.5(c) Working Group 4 will have to liaise closely with W/G 5 regarding the time frames and related processes.
- 1.1.5(d) The question of disposal/transfer of assets of TBVC governments should be looked into by a sub-committee.
- 1.1.5(e) A sub-committee is proposed to investigate and make proposals on the optimum use of existing infrastructure in these States.
- 1.1.5(f) A sub-committee is also proposed to investigate and make recommendations on reviewal of development project priorities.
- 1.1.5(g) Close liaison is required between delegates on Working Group 4 and those in Group 3 to ensure that there will be good administration during the transition.

1.1.5(h)

and (i) Appropriate measures and steps will have to be taken to ensure that in the process of re-incorporation of a TBVC State, interruption or disruption in administration and the rendering of services and in the daily lives of people in the affected areas are reduced to an absolute minimum.

1.1.5(j) The exact form of authority in the TBVC territories will have to be co-ordinated with the proposals of Working Group 3.

1.1.5(k) The question of harmonisation of legislation and taxation should be handled by a sub-committee which is hereby proposed.

1.1.5(l) The sub-committee proposed to address issues raised in 1.1.4(a) could be tasked to make proposals regarding the orderly termination of bilateral and multilateral agreements and treaties affecting these States.

1.1.5(m) All assets and debts of the affected States shall be surrendered to the proposed Interim Government subject to such conditions as will be agreed upon.

1.1.5(n) The question of ensuring public accountability was well canvassed when we addressed the testing of the will of

the people under 1.1.4(c).

1.1.5(o) As in 1.1.5(1) this aspect could be tasked to the sub-committees recommended under 1.1.4(a).