

CISKEI PROFILE

FOR SUB-COMMITTEE 4 OF WORKING GROUP 4

"THE POLITICAL, LEGAL AND CONSTITUTIONAL ISSUES

RELATED TO THE FUTURE OF THE TBVC STATES"

FOR SUBMISSION TO CODESSA

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1. ORGANISATION OF GOVERNMENT

1.1 BRANCHES OF GOVERNMENT  
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(i) Head of State

In terms of the Republic of Ciskei Constitution Decree 1990 (No. 45 of 1990) the Head of State is the Chairman of the Council of State who is also Commander-in-Chief of the armed forces of Ciskei. In this latter capacity he is empowered to mobilise and call out the armed forces for operational purposes, for the maintenance of law and order, the preservation of the peace, the protection of life, health or property or the provision or continuance of essential services. As Commander-in-Chief he is empowered to confer commissioned ranks in the armed forces (Chapter IV, Paragraph 12(2)). The Chairman has power, acting on the advice of the Council of State, to confer honours; appoint and accredit ambassadors and other diplomats; pardon or reprieve offenders; to enter into or rectify international conventions, treaties and agreements; declare a state of national defence and make peace; act as mediator in matters pertaining to traditional authorities and make such appointments as he deems fit (Paragraph 12(3)).

(ii) Deputy Chairman

The Chairman shall appoint a Deputy Chairman who shall be a member of the Council of State.

In the event that the Chairman should be indisposed or otherwise temporarily unable to perform his duties, the Deputy Chairman shall act as Chairman during the pleasure of the Chairman. If the office of the Chairman becomes vacant or the Chairman is permanently incapable of carrying out his duties, the Deputy Chairman shall forthwith assume the duties of Chairman (Para 14).

Before assuming office as Chairman or acting Chairman the person about to assume office shall make an oath of affirmation before the Chief Justice or any other judge, "do hereby swear/solemnly affirm that I will strive to the best of my ability to uphold, protect and to defend as the supreme law the Constitution of the Republic of Ciskei and faithfully to obey and to execute and administer the laws of the Republic of Ciskei: that I will serve the people of the Republic of Ciskei and promote human rights and freedoms:

that I will endeavour to the best of my ability to ensure justice, peace and prosperity for all the inhabitants of the Republic of Ciskei" (Para 15).

(iii) Council of State

The Chairman will appoint members of the Council of State who need not be citizens of the Republic of Ciskei.

(iv) Executive Authority

The Chairman, acting on the advice of the Council of State, will be the Executive Authority which shall be exercised in accordance with this Decree and the fundamental rights and responsibilities which cover the following :

- (a) Human dignity and equality before the law
- (b) Right of life
- (c) Arrest and detention
- (d) Fair trial
- (e) Right of privacy
- (f) Freedom of movement
- (g) Citizenship
- (h) Personality, freedom of thought and expression
- (j) Political activity (right to participate in peaceful political activity)
- (k) Freedom of association and assembly (peaceably)
- (l) Education and cultural life
- (m) Work and employment - freedom of choice
- (n) Protection of property
- (p) Duties and responsibilities.

(v) Council of Ministers

A Council of Ministers will be appointed, who will also be known as Ministers of State, who need not be citizens of Ciskei. The Council of Ministers shall advise the Council of State on policies concerning the administration of departments of state.

(vi) Department of State

All departments which existed before this Decree shall continue to exist but additional departments or reductions in number of departments may be added or abolished by the Chairman of the Council of State. All Ministers of State shall be appointed to administer different departments according to the Chairman's orders.

(vii) The Legislative Authority

The Legislative authority is vested in the Council of State which is empowered to make laws by issuing decrees. Laws shall be passed by a majority of votes of members present; the Chairman has the casting vote if equality in voting

occurs.

(viii) Administration and Justice

The judicial authority of the Republic of Ciskei is vested in the Supreme Court of Ciskei consisting of an Appellate Division and a General Division.

All administrative powers, functions and duties affecting the administration and justice shall be under the control of the Minister of State for Justice.

## 1.2 LEVELS OF GOVERNMENT

### 1.2.1. Regional Government

#### (i)(a) Tribal Authorities

In terms of Chapter 3 of the Administrative Authorities Act No. 37 of 1984 Section 3, there shall for every tribe or community be a tribal authority or a community authority which shall bear the name and exercise control over the tribal area or community area. Every such authority shall consist of a chairman and as many other councillors as are prescribed and ex officio the chief, chiefs deputy and headmen residing within the area of the authority.

Each tribal authority (of which there are 36) shall:

- (a) generally administer the affairs of the tribe in respect of which it has been established
- (b) assist, support and guide its chairman
- (c) promote the interest of the tribe in all respects and participate actively in schemes or projects for rural development and the improvement of the quality of life of the residents of the area.
- (d) in consultation with the police authorities, take such steps as may be necessary for the safeguarding of schools and other Government buildings, property and essential services.
- (e) consider and make recommendations to the appropriate authority regarding accommodation and other facilities at schools, application and administration of social benefit schemes, allocation of trading and residential site and arable allotments and licensing of businesses.
- (f) keep the magistrate informed of matters of concern arising within its area
- (g) exercise or perform the powers, authorities and functions assigned to it on land usage and settlement, health and social welfare, conservation, registration and control of dogs, improvement in livestock husbandry, agricultural

marketing, home industries, sports and recreation, public works, markets, births and deaths, employment, road safety and civil defence.

Tribal Authorities shall meet not less than once every three months.

The Magistrate shall open a trust account for every tribal authority in his district (region) into which shall be paid all fees and charges arising from customary dues, property owned, fines, appropriations from Ciskei Government, tribal taxes, donations, contraventions of by-laws, etc.

Tribal Authorities fall under the control and administration of the Department of the Council of State in liaison with the Magistrates of the Districts.

(i) (b) Regional Authority

(A) In terms of the Administrative Authorities Act No. 37 of 1984, "the land comprising the tribal and tribal authority areas in a district shall be deemed to be a region and for every region there is hereby established a regional authority". (Chapter 4, section 8). There are seven regional authorities in Ciskei, namely Hewu, Keiskammahoeck, Mdantsane, Middledrift, Peddie, Victoria East and Zwelitsha.

(B) The regional authority consists of the paramount chief and the chiefs of all tribes in the region with their deputies as their alternates, the chairman of every tribal authority who is not a paramount chief or chief, one other councillor from each tribal authority in the region elected by a majority vote by the councillors of that tribal authority.

The seat of a regional authority shall be at the office of the magistrate of the district (Chapter 4, section 8).

(C) The powers, functions and duties of regional authorities are defined under Chapter 4, Section 10 of the Administrative Authorities Act No 37 of 1984 as :

(i) to promote the interests of the region and whenever necessary, act in an advisory capacity in any matter affecting the administration of the affairs of the tribes of the region.

(ii) advise the Government in relation to employment, establishment of industries, protection of national monuments and the promotion

of tourism, rural development projects, health and social welfare of the people of the region, conservation of farming land and natural resources, establishment of markets and pounds, control and licensing of businesses, education, sport and recreation, public roads and transport services and the settlement and administration of the land in the region;

(iii) exercise the powers and perform the functions and duties conferred or imposed upon a regional authority by or under any other law;

(iv) generally exercise such other powers or perform such other functions and duties as, in the opinion of the Minister, fall within the sphere of regional administration and as he may assign to the regional authority;

(D) Regional Authorities shall hold meetings not less than once every three months.

#### 1.2.2. Local Government

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Within the Republic of Ciskei there are two types of local authorities differing according to the origins of the land on which they are situated.

##### (a) Municipalities

Municipal/Town Councils exist in all towns which were situated originally on South African title deed land which, under the programme of land consolidation, became incorporated within the borders of the Republic of Ciskei.

The formation, organisation and operation of the Town Councils is governed by the provision of Municipal Act No. 17 of 1987 which is essentially similar to that operating in South Africa. Councils are elected, employ a Town Clerk, Treasurer and Engineering staff but not traffic police. They are self-accounting and draw their revenue from the same sources as Councils in South Africa.

However in 1989 the Ciskei Government decreed that all state owned property, be it buildings or land, be transferred to the Town Councils who then became the owners of the land or property. In this class of local authority fall the towns of Alice, Victoria East District; Seymour, Mpofu District; Peddie and Hamburg, Peddie District; Keiskammahoeck, Keiskammahoeck District and the capital city of Bisho, Zwelitsha District which has a City Council, not Town Council but in all other

aspects is the same.

b) R 293 Townships

In the original Tribal areas of Ciskei certain large villages became gazetted as townships, many of which were established as dormitory towns by the Bantu Administration to serve as sources of labour for nearby industrial/commercial complexes in South Africa. Whereas in Municipalities the majority of properties are held under freehold title, those in R 293 townships are owned by the State and residents pay rent for their houses and services to a Town Management Board (TMB) which is appointed by the Department of Internal Affairs and Land Tenure and all recurrent costs of the TMB are paid for by Government. Services in those townships are provided for by the Department of Public Works and also maintained by that Department. In respect of the R 293 major townships of Mdantsane and Zwelitsha residential properties are in the process of being sold to residents under a Deed of Grant, but of necessity this is a slow process but is one which the Ciskei Government hopes to extend to all R 293 townships in due course as part of the land reform process which will also include villages, where at present no local government authority exist. These villages are controlled by Headmen and their committees under the Tribal Authority System as defined in Section B 1 of this document. The R 293 townships in Ciskei are as follows :

Mdantsane, Mdantsane District; Zwelitsha/Phakamise, Dimbaza, Ilitha, Zwelitsha District; Ku-Ntselamanzi, Victoria East District; Sada, Hewu District.

1.2.4 RELATION OF EACH LEVEL OF GOVERNMENT TO EACH OTHER

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The chain of command within Government emanates from the Chairman of the Council of State (previously State President) to the Executive Council of Ministers to the Council of Ministers. Each Minister is responsible for one of the Departments within Government. In addition the Minister of Agriculture, Forestry - Rural Development also controls the Ciskei Agricultural Corporation, the Ciskei Agricultural Bank, Ciskei Marketing Board and the Ciskei Farmers' Cooperative, all of which are parastatals operating under a Board of Directors. The Minister of Finance and Economic Development also includes in his portfolio the Ciskei Peoples Development Bank, Ciskei Small Business Corporation and Commerce and Industry.



All Departments are headed by Directors-General and parastatals by Managing Directors, each of whom has a Deputy Director-General as his second-in-command. Departments are further divided into sections under Directors each with their own specific areas of responsibility.

The Chairman of the Council of State includes within his position ultimate control of the Ciskei Police, and the Ciskei Defence Force.

The Departments of the Council of State and Justice are linked sideways with the traditional authorities i.e. the Tribal Community and Regional Authorities. In a similar fashion the Department of Internal Affairs and Land Tenure is linked to all Municipalities and Township Authorities.

Each of the seven Districts or Regions in Ciskei has its Administrative Centre in which each Department is represented with the Magistrate of the District being the senior official.

Government organisation is more easily depicted in the attached organogram.

## 2. ROLES OF POLITICAL ORGANISATIONS

### 2.1. THE POLITICAL CONNOTATIONS AND IMPLICATIONS OF REINCORPORATION AND THE ROLE OF POLITICAL PARTIES IN CISKEI

#### 2.1.1. Introduction

The aim of this submission is to research political matters arising from the possible re-incorporation of Ciskei into South Africa. The contents are divided into the following :

- (a) historical background and political opposition,
- (b) issues for consideration and general political implications, and
- (c) political organisations and their role in Ciskei
- (d) possible changes necessary to effect political re-incorporating.

The issue of re-incorporation of one into another is a complicated exercise. It is difficult to pre-empt all the political implications of re-incorporation as the issue has not been previously addressed in Southern Africa. In the light of present day political developments, the demanding issues of socio-economic upliftment and the need for growth and stability, careful consideration must be given to the whole process of re-incorporation. The Ciskei will not

engage in an exercise of re-incorporation without full knowledge of the constitutional structure of a new South Africa.

### 2.1.2. Historical Background and Political Opposition

The system of Bantustans or homelands came into existence in the early years of the twentieth century with the imposition of Act 27 of 1923, dealing with the land question of Black people. According to this Act, land was demarcated where Blacks could live separate from Whites. During 1936 the policy of segregation was taken further with the imposition of Act 19 of 1936, the Development Trust and Land Act. Black people only enjoyed indirect representation in Parliament then. After the National Party won the elections in 1948 apartheid was institutionalized. The process went on and on in an effort from the South African Government to accommodate the political needs of the Black people. They could thus now exercise their political needs of the Black people. They could thus now exercise their political rights in the homelands which was established for each different cultural group. The idea was to enable the Blacks a system of self determination in a Sovereign State.

The social and economic development of Ciskei could not convert the Ciskei into an independent Sovereign State as normally understood when these terms are used :

Political opposition to the TBVC and self-governing areas started when the leaders of these areas opted for independence on self-government. The opposition to this system was constituted in the following reasons:

- (a) they were not alternative structures for change, but structures of apartheid
- (b) they have not been chosen freely by the African people themselves, but was imposed on them
- (c) the TBVC states represent the people who collaborated with the Whites.

The opposition to this system was further supported by the perception that these African leaders were appointed by the South African Government and they (African Leaders) only cooperated for practical reasons as this was a lesser evil than suffering under White domination. This perception made the Bantustans and its leaders even more unpopular.

The struggle for liberation automatically included a struggle against the leadership of these TBVC states. This struggle is still to be seen today from the side of the ANC towards the Ciskei Government. The Chairman of the Council of State, Brigadier O J Gqozo is seen as a "collaborator" and a "sellout" by the ANC in the region.

The small quantities of land allocated to the TBVC states

contributed to the opposition towards the system. These countries are too small to develop into economic independent countries and the borders of these countries are demarcated in such a way as to exclude the main centres from them. The availability of scarce resources was and still is a matter of concern, which attracts negative criticism.

Current opposition to the Ciskei Government is also centred in the fact that the Government is regarded as a "stumbling block" to the alliance in their efforts to create a "liberated Xhosa region", which could unify the Xhosa nation of Ciskei and Transkei.

### 2.1.3. Issues for Consideration and General Political Implications

1. Whatever political and/or constitutional model is to be decided upon for the future, this model should guarantee a peaceful resolution to the multifaceted problems left to us by decades of apartheid. The highly centralised political system of the past makes it difficult for communities to adopt a system of decision-making at community level.
2. The Constitution of the new negotiated Southern Africa should bear clauses to prevent the abuse of state power. The Ciskei is not interested in joining South Africa if it is going to be a unitary state with a highly centralised government on all spheres. A large bureaucracy is not a guarantee for sound administration and a good effective government.
3. The implication of reincorporation concerning the lives of the ordinary Ciskeian should be considered. The people expect a system whereby they have a direct input in issues affecting their daily lives. Government by discussion and consent is thus to be considered as a priority.
4. People (Ciskeians) have over the years developed a natural opposition to a system where they have no influence on a decision making and the process of government. They also expect a sound administration and an efficient government.
5. Resolving differences between potential hostile organisations should be a priority of this region as these ongoing difference might implicate a situation of winner-takes-all rather than that of cooperation, consensus and competition.
6. The incorporation of Ciskei is subject to the fact that the importance of a participatory model of democracy is not just that it gives us an alternative way of understanding democratic life, but also that it provides us

an alternative model of nation-building under conditions of multi-ethnic and religious diversity. If the above is not guaranteed, the Ciskei has no reason to re-incorporate, as there is no nation-building and an understanding of democracy.

7. For many years, under apartheid, leaders were not always made accountable for decisions and actions. People should be given the opportunity after re-incorporation, on a regular basis, of a referendum on certain issues to ensure that not only the leaders, but also the people at large are made accountable for the execution of their daily lives.
8. The consequences of different policies should be taken into account as no policy can guarantee a success. Policies referred to are merely economic and social development policies; those which affect our lives on a daily basis.
9. When democracy is generally discussed by people, they understand the following :
  - freedom of religion, assembly and denomination
  - freedom of speech and expression
  - freedom of movement
  - freedom of political activity
  - right to vote
  - free market economy and private ownership

If the above is not guaranteed in the constitution or in a Bill of Human Rights, then the implication might be that people will systematically object to the system and demand these rights. Therefore, neither Ciskei nor its people is interested in settling for less than the above.

10. There is no need for the Ciskei and/or any CODESA delegate to reinvent the wheel. We only have to make it more perfect. People at large need to know and to be informed about issues affecting them, even now during this transitional process. Democracy is the ultimate, and the smaller the unit of government and the more restricted and functions assigned to government, the less likely it is that its actions will reflect special interest rather than the general interest. Spending of government has thus to be reduced in order to survive.
11. Ciskei has opted for a federal constitutional model. Therefore, each regional government should have a clearly defined and sensible demarcated geographic area. The power of the state should thus be distributed vertically, in a practical manner between the various levels of government, without culminating

in the weak or fragmented exercise of power. The above implicates a sound research to be done on the geographic boundaries and economic viability of each region.

12. The implications of democracy and its contribution towards this region can never be overlooked. The more people are allowed to vote, after re-incorporation, the better. Direct democracy reflects public opinion, ensures that elected leaders remain accountable and it reduces the importance of party politics, to which most people have become used. This should also avoid polarisation, conflict and violence. If party politics is pressed too hard then a "winner-takes-all" situation develops. Under direct democracy, where people vote on a regular basis, losing party members can still share in decision-making. By implication everybody participates in deciding on issues affecting their lives.
13. Direct democracy also has implications such that some people believe that power is transferred from the educated to the ignorant. Some people also believe that democracy favours the elite and that Black South Africans lack the knowledge and experience to participate. However, these are misguided perceptions.
14. The negative implications of Ciskei, incorporating into a unitary state with a highly centralised government, could be the following :
  - domination of minority groups is possible
  - access to government and government privileges is very difficult, especially in rural areas
  - alienation between government and individuals could develop
  - the potential for corruption, bureaucracy, inefficiency and nepotism is increased
  - concentration of power might lead to abuse of power
  - discrimination on basis of race, colour, creed and class is not excluded
  - minority groups might be excluded from participation, leading to confrontation and violence
17. Some positive implications of Ciskei incorporating into a federal/regional model :
  - historical borders are not necessarily entailed or required
  - homogeneous population (putting people together who belong to the same region)
  - regional structures are to be determined by the national constitution, thus all regional structures will be the same
  - all regional governments might have the same powers and functions

- pragmatism is to play a bigger role
- people in general will be more conscious of themselves, the regional economy and issues affecting them more directly
- leadership development and accountability of leaders possible
- offers opportunities to accommodate group diversity not available in a centralised state
- healthy competition with other federal units/regions
- greater scope for self-determination and local decision-making
- the bigger towns/cities would be part of the regions economy, whereas they were relatively excluded to date
- no regional citizenship will be imposed as all people will probably be South Africans
- availability of "checks and balances" to ensure consensus
- inclusiveness vs exclusiveness
- multiparty democracy and participation of all
- coalitions are possible to strengthen minorities
- immediate needs of communities more likely to be met
- easier to boost nations moreale on federal basis

18. Negative implications of Ciskei incorporating into a federal system :

- possible overpopulation due to popular policies
- urbanization trends might be too high to cope with
- possible uncertainty and hostile attitudes of federal units towards each other
- restructuring the society as created through apartheid might be difficult and time-consuming
- infrastructure development (financial implications)
- problems relating to legislation and regulations of different federal units
- legislation which effects other federal units might be vetoed on national level

2.1.4. ROLE OF POLITICAL ORGANISATIONS

1. The following political organisations and politically orientated organisations are currently active in Ciskei and need mentioning :

African National Congress	ANC
S A Communist Party	SACP
African National Congress Womens League	ANC-WL
African National Congress Youth League	ANC-YL
Azanian Peoples Liberation Army	APLA
Azanian Peoples Organisation	AZAPO
Congress of S A Students	COSAS
Congress of Traditional Leaders	CONTRALESA
Democratic Party	DP
Institute for Democratic Alternative for SA	IDASA

Pan Africanist Congress	PAC
Pan Africanist Students Organisation	PASO
Border Civics Congress	BOCCO

2. These organisations could be divided into three categories, the Tripartite Alliance, the Africanists and the Civics.
3. The African Democratic Movement is under leadership of the Chairman of the Council of State, Brigadier O J Gqozo. This movement aims to fill the gap between the people at large and the Ciskei Government. Its role in the political arena is to supply a place of assembly to those individuals who regard themselves as moderates.

However, still a very young Movement, the ADM is regarded by its opposition and its members as one of the bigger roleplayers in the politics of Ciskei and the greater Border region. This Movement is however not regarded as the "ruling party" in Ciskei and does not enjoy any official position in the Government.

4. The African National Congress/South African Communist Party alliance is the single most active in Ciskei. Their role in Ciskei coincides with their role in the greater Southern Africa; claiming to represent the interest of the masses and aiming to bring about liberation for the oppressed people. Their role could be regarded as the official opposition to the Ciskei Government. They have no official position in Ciskei, other than a liberation movement. They are not officially represented in any level of Government. Their campaigns in Ciskei are merely centred around the demanding of an interim administration for Ciskei.
5. The civics are playing a rather important role as pressure groups for the local governments (i.e. Headmen and Local Town Councillors). They are not recognised as legitimate local governments. However, they did enjoy legitimacy until July 1991. These civics are openly campaigning in favour of the ANC/SACP alliance. They claim to represent the interests of residents of various townships and villages.
6. The Africanists, PAC and AZAPO are also regarded as liberation movements. They do not enjoy any formal position at any level in the Ciskei Government. A good working agreement exists between the Ciskei Government and the PAC. Although they are active, they are not really regarded as a threat to the internal security of the Ciskei.

7. Various Churches, Church bodies, Womens' Organisations, Youth Movements, Business Movements etc. are also active in the Ciskei, but are not regarded as very important in the regional politics.
8. Being a Military Government the Ciskei does not have any political parties and/or movements that have any input in governmental issues. However, the needs of Ciskeians at large are taken into consideration whenever decisions are made that affect their daily lives. These needs are identified by the various organisations and local governments.

#### 2.1.5. POSSIBLE CHANGES NECESSARY TO EFFECT POLITICAL RE-INCORPORATION

1. Legislation and the Constitution are the single most important issues to be considered for changes when incorporation becomes reality.
2. The structures of Government departments, their policies etc will possibly have to be altered to be more flexible towards the process of incorporation.
3. The biggest change that must take place is that of the attitudes of people who are affected by the incorporation. People are generally in favour of this process, but still need some guidance on the implications and the process itself. The Civil Servants' position needs to be considered, as it already seems uncertain what is going to happen to them
4. If any changes are to be made concerning the legislation, taxation, etc, then these changes need to be communicated to all businesses affected in order to keep them in this region and to attract new investments. The more citizens and businesses are informed the better.
5. The most sensitive change that might have to be considered is that of the system of government. Military Governments are traditionally seen as dictatorships, but the situation in Ciskei is very much different with civilians being appointed in Ministerial positions. The opposition, for their own benefit, still perceives the government as a dictatorship. Interim arrangements for Ciskei are unacceptable as the Council of State regards itself as the transitional government.
6. Proper procedures will have to be considered if and



when elections are to take place for a future government of this region. These will however be considered by other working groups and CODESA at large as it needs to be stipulated in the new Constitution.

### 3. STRUCTURE AND BRANCHES OF ADMINISTRATION

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#### 3.1 Structure of Ciskei Government

Ciskei is currently administered by a twelve member Council of State consisting of ministers presiding over a fully-fledged government departmental infrastructure. Government departments are managed by Director-Generals. A Director-General of a department prepares an executive memorandum and tables it in front of the Executive Council for approval before any project can be implemented. The main constituents of central Government are depicted in figure 4.1.

The Central Government constitutes fifteen departments, two specified offices, viz, Office of the Auditor General, Office of the Central Personnel Administration and the Judiciary.

#### 3.2 Department of the Council of State

This department directs and ensures effective and efficient government in the Republic of Ciskei and advises the Council of State on matters relating to integrated economic and physical development and the use and allocation of Ciskei's physical and natural resources. The department researches, surveys and collates all demographical data and statistics that define the country's socio-economic assets. It also maintains a databank, collects and ascertains, on a continuous basis, statistical data relating to the economic, industrial, employment, import and export, and other significant data, for general use and application to negotiations for a share in the common customs pool of revenue.

The Department controls and co-ordinates development projects and planning activities. The structure of this Department is shown in figure 4.2. below.

#### 3.3 Ciskei Defence Force

The mission of the Ciskei Defence Force (CDF) is to defend the Republic of Ciskei and all its people at all times and under all conditions by ensuring sound security measures through cost-effective operations. The force achieves this by performing the following functions:

- \* prevention or suppression of terrorism
- \* defence of the Republic of Ciskei

- \* protection of lives, health and property of all Ciskeian citizens
- \* maintenance of essential services during times of crisis
- \* provision of assistance to the Ciskei Police Force when specifically requested
- \* effective execution of any police functions which may be required.

#### 3.4 Central Personnel Administration

The office of the Central Personnel Administration advises the Administrative Authority on administrative development, personnel systems, personnel development and utilisation, data systems, and to provide management advisory services.

The Organisational Office Structure of the Central Personnel Administration is shown in figure 4.4.

#### 3.5 Office of the Auditor-General

The Office of the Auditor-General assists the Auditor General as an independent auditor for the Legislative Authority of the Republic of Ciskei and with its purpose to carry out Government audits in a cost effective manner with the aid of scientifically founded techniques planned according to accepted professional practices and to report the results to the legislative institutions in order to properly serve accountability relatedness.

The structure of the Office of the Auditor-General is depicted in figure 4.5.

#### 3.6 Department of Finance and Economic Development

The Department of Finance and Economic Development plays a leading role in promoting development in a regional context to the benefit of Ciskei, through efficient collection, provision and control of government funds. This department manages and controls Government financial affairs. It regulates domestic trade and industry. It formulates and monitors financial, economic and fiscal policies, renders taxation services and promotes foreign trade.

The organogram of the Department of Finance is shown in figure 4.6(a).

There are two major parastatal organisations concerned with the promotion of commerce and industry in Ciskei, namely the Ciskei Small Business Corporation (CSBC) and the Ciskei Peoples Development Bank (CPDB). In addition, commerce and industry are assisted by the Ciskei Industrial Development Board (CIDB), and the Industries and Commerce Branch of the Department of Finance and Economic Development.

The Mission of the CSBC is as follows:

To provide a comprehensive support for emerging Ciskeian entrepreneurs and small businesses in the manufacturing, service, commercial and construction sectors, either directly or via other agencies, and with minimal bureaucratic procedure.

The organogram of the Ciskei Small Business Corporation is shown in figure 4.6(b).

The Ciskei Peoples Development Bank has the following mission:

To promote economic development in Ciskei in a regional context by mobilising resources and facilitating and promoting private sector participation in commercial and industrial projects thereby contributing to the economic upliftment of Ciskei.

The structure of the CPDB is shown in figure 4.6(c).

### 3.7 Department of Internal Affairs and Land Tenure

The Department of Internal Affairs and Land Tenure is the department of Government charged with responsibility for housing, population registration, land administration, land surveying and local government. This is reflected in the mission statement of this department, which reads as follows :

"The establishment and maintenance of efficient and effective administration of internal affairs relating to land, population, local government and housing".

The structure of this department is depicted in figure 4.7.

### 3.8 Department of Agriculture, Forestry and Rural Development

The mission of the Department of Agriculture, Forestry and Rural Development is being pursued through a joint effort by the Department itself in conjunction with some parastatal organisations linked to the Department. Its mission is to enhance the quality of life of rural communities on a sustainable basis, through the opening up of economic opportunities using agricultural and other resources. "Quality of Life" includes expanding peoples' choices in consumption and production activities, and "sustainable" includes being ecologically sound, economically viable, and politically equitable.

Although the agricultural sector in the Ciskei is relatively small, it plays an important role in the country and its economy. Agriculture makes a larger contribution to Ciskei's Gross Domestic Product (GDP) than both mining and finance, but is smaller than the other sectors of the

economy.

The structure of the Department of Agriculture, Forestry and Rural Development, shown in figure 4.8, enables this department to carry out its functions.

### 3.9 Department of Education and Culture

The Department of Education and Culture is charged with the responsibility of providing literate, skilled and qualified Ciskeians of all levels, to support the economic development strategy. The department encourages community participation in education, giving communities a share of the responsibility in the running of the schools, in the form of :

- school boards of governors elected by the community
- parent/teacher associations
- identification of training needs in the community

The structure of the Department of Education and Culture is shown in figure 4.9.

### 3.10 Department of Manpower Utilisation

Ciskei places the training of Ciskeians in industry very high in its priorities. It is the policy of the Manpower Department to encourage employers to run in-service training schemes and to utilise Itemba where it is impractical for them to run their own. Much progress has already been made in discussions with local employer bodies.

The Department of Manpower works hard in establishing training opportunities for artisans in Ciskei and undertakes to involve local industry and commerce. It trains people to be employable in either a specific undertaking or enterprise or occupation.

The structure of this department is depicted in figure 4.10

### 3.11 Department of Public Works

The infrastructure sector in Ciskei is managed by the Department of Public Works (which handles electricity supplies, road building and maintenance and water) and the Department of Posts and Telecommunications. The Department of Public Works proceeds with all capital works in implementation and for which there is adequate justification, including the emergency provision of essential infrastructure in life threatening situations. It takes stock of all existing assets and ensures the operation and maintenance of these. Endeavours are made to improve the reliability of existing electricity supplies in areas where supplies exist but are considered too unreliable for

industrial purposes.

The functional organisational structure of the Department of Public Works is shown in figures 4.11 (a) and (b).

### 3.12 Department of Posts and Telecommunications

The Department of Posts and Telecommunications has to ensure that essential services are provided i.e. those services which support commercial and life-support activities and which encourage economic development. Reviews urban and rural telephone developments to ensure that communities have access to communication facilities. The department improves the telephone system within Ciskei to be the same as in the Republic of South Africa, and also maintains the existing infrastructure. To ensure good service, the department is training the maintenance staff in all fields of telecommunications.

The structure of this department is shown in figure 4.12

### 3.13 Department of Health, Welfare and Population Development

The health and welfare of Ciskei's population is primarily the responsibility of the Department of Health, Welfare and Population Development. Within the context of the rapid economic growth forecast by the Economic Development Policy the Department has embraced the World Health Organisation (WHO) motto of Health for All by the year 2000. Embodied in this statement is the Department's commitment that every Ciskeian should have attained a level of health by the turn of the century that will enable them to lead a socially and economically productive life. The department works on improving overall environmental health within Ciskei, preventing and controlling the outbreak and spread of communicable diseases within Ciskei, etc. The main concern of the Department, however, is to provide overall health cover for the population of Ciskei (urban and rural). At all times the Department strives for the highest affordable health care in its hospitals and clinics. (See figure 4.13)

### 3.14 Department of Foreign Affairs

The Department of Foreign Affairs interprets the country's foreign policy and portrays a good image of the Republic of Ciskei to the outside world in order to maintain friendly relations and attract foreign investments aimed at creating wealth and job opportunities which will improve the welfare of Ciskeians. The Department must ensure the integrity of the state, maintain the good image of Ciskei, attract foreign investors to invest in Ciskei, formulate foreign policy of Ciskei and look for employment opportunities for Ciskeians outside the boundaries of Ciskei in order to

reduce unemployment figures in Ciskei.

The structure of the Department of Foreign Affairs is shown in figure 4.14.

### 3.15 Department of Transport and Aviation

The Department of Transport and Aviation ensures orderliness of private and public transport in Ciskei. It controls the use of Government vehicles, renders road transportation inspectorate services, manages road safety in Ciskei, renders airport services and provides official vehicles to departments. This department also looks after the maintenance of government vehicles.

The organogram of the Department of Transport and Aviation is depicted in figure 4.15.

### 3.16 Department of Police

The Department of Police maintains law and order in Ciskei. The department investigates and prevents crime, takes offenders to justice, enforces all written laws in order to preserve peace and internal security and protects life and property of all in Ciskei. This department is dedicated to building a more respected image for the Police Force. It does this by promoting mutual understanding and cooperation between the police and the community, upgrading the quality of work and productivity of all members, urging members to improve their academic qualifications, subjecting junior members and officers to in-service and advanced training courses, enforcing the passing of a promotion examination or test as a pre-requisite for promotion, and the implementation of a system of pre-selection for all positions.

### 3.17 Department of Prisons

This department promotes community order and security by lawfully detaining sentenced prisoners securely and decently and by commissioning programmes to promote the rehabilitation of prisoners into society. This mission directs the focus of the Department in the promotion of educational, industrial and agricultural projects and the management of the chaplain, social welfare and psychological services. Discipline is monitored and medical services are rendered to the prisoners with doctors' visits to each prison twice a week.

### 3.18 Department of Justice and Constitutional Development

The main objective of the Department is the administration of justice with the scope of relevant enactments and legal principles. This is done by the courts in adjudication of both civil and criminal disputes. At the top of the court

hierarchy is the Supreme Court which is made up of the General and the Appellate Divisions. This court has an inherent jurisdiction, in that it can hear any matter which is not excluded from its jurisdiction by law. Below the Supreme Court are Regional and District magistrate courts. These courts differ from each other in respect of the nature of cases they try and nature of sentences they impose. These are creations of the Magistrates' Courtr Act No 32 of 1944 in that they derive their powers from this Act. At the bottom of the hierarchy are the Tribal courts which supply the Indigenous Law. These courts have limited jurisdiction and they only hear minor cases. The decisions of these courts may be appealed to in the Magistrate's Court.

The Department of Justice is responsible for :

- \* public prosecution within Ciskei
- \* drafting of legal documents
- \* enactments of statutes
- \* promotion of legal efficiency
- \* legal representation to indigent persons in the form of legal aid and the Public Defender system.

#### 4. RELEVANT LEGISLATION

##### 4.1 Constitutional and Administrative Legislation

###### 4.1.1. Constitutional Acts

All Acts prior to March 1990 have been repealed and replaced by the Republic of Ciskei Constitution Decree No. 45 of 1990, the implications of which have been itemised under paragraph 1A. Branches of Government. In terms of the Constitution Laws Consolidation Decree No.33 of 1990 the Council of State has the powers to appoint Advisory Committees; the judicial power of the Republic of Ciskei continues to rest in the Supreme Court of Ciskei which shall consist of the Chief Justice and the other judges of the Supreme Court in office at the commencement of this Decree (24-08-90). Such other judges may be appointed by the Chairman under the Seal of the Republic of Ciskei. All existing laws immediately in force before the commencement of this Decree shall continue in force until repealed or amended by the Council of State.

###### 4.1.2. Electoral Legislation

The Electoral Act No 26 of 1984 was repealed by Electoral Act Repeal Decree No 12 Of 1991. The National Assembly is part consisting of elected Members of Parliament has ceased to exist and has been replaced by the Council of State (of A1).

#### 4.1.3. Local Government Legislation

(i) The Municipal Act No 17 of 1987 is still in force and seeks "to provide for the establishment, control and administration of municipalities (of paragraph 1.B(iii) - Local Government)

(ii) Land Use Regulation Act No 15 of 1987.

This Act seeks to "provide for the establishment of a Land Use Planning Board and to prescribe its duties and functions; to regulate and control land use rights and the sub-division of land and to provide for other incidental matters." In regard to the Land Use Planning Board it is required to keep a register of land use rights, to require structure plans from developers. It deals with land use restrictions, zoning schemes, sub-division of land, sub-divisions for establishment of townships, general plans and registration of townships, ownership of public streets or open places and registration of sub-divisions in the Deeds registry.

#### 4.2. Property Legislation

##### 4.2.1. Deeds Registries Act No. 47 of 1937

This act and its subsequent amendments provides for the establishment of a deeds registry, the appointment of a Registrar and assistants and describes the duties and powers of the Registrar of Deeds.

##### 4.2.2. State Land Disposal Act No. 48 of 1961

This act and its amendments provides for the disposal (subject to certain conditions) of certain State Land, by the President, and for matters incidental thereto, and prohibits the acquisition of State land by prescription.

##### 4.2.3. Removal of Certain Restrictions Act No 7 of 1984

The act removes the restrictions on the acquisition of land in certain areas by restricted persons, and allows such persons to enter into agreements for the purchase, hire or acquisition of land in a township and to use such land for business, trade, calling or professional use.

##### 4.2.4. Land Regulations Act No 14 of 1982

This act provides for the continued application and the adoption and modification of the provisions of Proclamation R 188 of 1969.

The details of land ownership in the rural areas administered by Tribal Authorities is dealt with and refers



specifically to three types of entitlement namely :  
Permission to occupy;  
Quitrent title;  
Freehold title.

The act also maintains the validity of land entitlement which prevailed prior to this act.

#### 4.2.5. Sectional Titles Act No. 66 of 1971

This act provides for the division of buildings into sections and common property and for the acquisition of separate ownership in such sections coupled with joint ownership in such common property; to provide for the control of certain incidents attaching to separate ownership in such sections and joint ownership in such common property; to provide for the registration of leases and other real rights in respect of parts of buildings; and to provide for incidental matters.

#### 4.2.6. Ciskeian Administration of Estates Amendment Act No 15 of 1979

This act deals with the administration of deceased estates, appointment of administrators, tutors and curators of minors and a guardians fund.

#### 4.2.7. Companies Amendment Act No 4 Of 1982

This act provides for the establishment and control of companies in the Ciskei and takes as its principle act the Companies Act 61 of 1973 (RSA legislation). The amendment act 4 of 1982 deals more specifically with the registration of external companies in Ciskei which companies are registered in other sovereign states.

#### 4.2.8. Private Companies Act No 36 of 1985

This act provides for the consolidation, revision and decriminalisation of the law relating to private companies.

This act allows for the formation of a private company by any person or group of persons subject to various regulations and controls.

### 4.3. Economic Legislation

#### 4.3.1. Taxation in the Republic of Ciskei

There are two types of taxation applied namely;

- (1) Direct Taxation and
- (2) Indirect Taxation.

##### (i) Direct Taxation

Income Tax Act 44 of 1984 is the principal act and provides for both a Direct Tax on income and a Withholding Tax on income declared to persons not ordinary resident in the Ciskei as well as external companies.

In dealing with direct taxation the following are the more important aspects of the note :

(a) that in the case of persons the tax rate is as follows :

0	-	R 10 000	Rate of tax	Nil
R 10 001	-	R 25 000	Rate of tax	14 %
R 25 001	-		Rate of tax	20 %

(b) that the company tax rate is 48 % but no company is liable to tax on its profits other than those industrial companies who have chosen to be taxable. The number of such taxable companies is very small. The major concession to companies is seen as trying to stimulate growth of Commerce and Industry in the Ciskei.

As regards the Withholding Tax provisions the following should be noted.

(a) that the rate of Withholding Tax is 20 % except where a lower rate is provided for by a Double Taxation Agreement with another country. The RSA agreement currently provides for a 15 % Withholding Tax rate on interest, dividends and royalties.

(b) the Withholding Tax provisions cover the following types of income:

- (i) Interest
- (ii) Dividends
- (iii) Royalties and know how payment
- (iv) Any salary, fee, commission allowance or other emolument paid to :

- (a) a non-resident individual, and
- (b) an external company.
- (c) Certain exemptions are granted from Withholding Tax and the most important are :
  1. amounts payable to religious, charitable or educational institutions,
  2. any interest payable by the State or local authority,
  3. amounts advanced by persons with a permanent place of business in Ciskei,
  4. interest payable on capital used to finance purchase of goods imported into or from Ciskei.

(ii) Indirect Taxation :

There are two major acts in this category:

- (a) Value Added Tax Decree, and
- (b) Customs and Excise Act.

In the case of the Value Added Tax (VAT) Decree the following are the major important factors to note :

- (1) The rate of tax is 10 %,
  - (2) A very wide list of goods and services are affected,
  - (3) There is a very close working relationship with the other TBVC states and the RSA which is formalized by agreements.
- (c) The VAT allows for the offsetting of the input credits in respect of VAT on goods purchased for the business whether capital or trading stock, against VAT charged to the customer,
- (d) Refunds of excess payments are made.

In the case of Customs and Excise Duty, Ciskei is a member of the Southern African Customs Union which includes the so-called SLBN countries (Swaziland, Lesotho, Botswana and Namibia). The differing tariffs relating to both Customs Duty and Excise Duties are mutually agreed to and applied by all members.

Indirect Taxation in a region where no controlled borders exist necessitates formalised agreements with neighbouring countries as well as similar tariffs. Any differences in tariffs or taxes would lead to smuggling and other forms of evasion over the uncontrolled borders.

#### 4.4. Other Relevant Legislation

##### 4.4.1 Labour Legislation

###### Workmens Compensation Act 1982 (Act 11 of 1982)

To amend and consolidate the laws relating to the compensation for disablement caused by accidents to, or industrial disease contracted by, workmen in the course of their employment or for death resulting from such accidents or diseases, to establish an accident fund and a reserve fund and to provide for matters incidental thereto:

Division of Act : this act is divided as follows :

Definition and application of Act  
Administration  
Light of Compensation

Liability for Compensation  
Amount and method of Compensation  
Recovery of Compensation  
Accident and Reserve Funds  
Medical Aid  
Industrial Diseases

Apprentice Amend. Act (Act 17 of 1988)

To amend the Ciskeian Apprenticeship Act 1973.

Manpower Training Act (Act 33 of 1984)

To provide for the promotion and regulation of the training of manpower and for that purpose to provide for the establishment of a National Training Board, for the registration of training schemes and group training centres, for the inspection of such schemes and centres and for the imposition on certain employers of a levy in aid of training and to provide for incidental matters :

**Contents of Act**

National Training Board, Committees and Related Matters;  
Training Centres and Schemes  
Training Allowances  
General Provisions

Conditions of Employment Regulation Act (Act 34 of 1984)

To regulate certain matters relating to the conditions of employment of certain employees and to provide for incidental matters.

Maximum weekly ordinary working hours.  
Maximum spread-over.  
Maximum daily ordinary working hours in the case of day workers.  
Maximum ordinary working hours for shifts in the case of shift workers.  
Extension of ordinary working hours  
Meal intervals  
Overtime  
Payment for overtime  
Work on Sundays  
Payment for work on public holidays.  
Annual leave  
Sick leave  
Termination of contracts of employment  
Certificate of Service  
Calculation of wages  
Prohibition of certain employment  
Victimisation forbidden  
Prohibition of certain acts relating to payment of remuneration

Records to be kept by employers  
Certain summaries and extracts to be kept available by employers  
Inspectors  
Appeal against certain decisions of inspectors  
Preservation of secrecy  
Offences and penalties etc.

#### Machinery and Occupational Safety Act (Act 35 of 1984)

To provide for the safety of persons at their workplace or in the course of their employment or in connection with the use of machinery, to establish an advisory council for occupational safety, and to provide for incidental matters:

##### Contents of Act

Establishment of Advisory Council for occupational safety  
Functions of Advisory Council  
Constitution of Advisory Council  
Period of office and remuneration of members of Advisory Council  
Chairman of Advisory Council  
Meeting of Advisory Council  
Establishment of technical committees  
Designation of safety representatives  
Functions of safety representatives  
Establishment of safety committees  
Function of safety committees, etc.

#### 4.4.2 Health Acts

##### Nursing Act (Act No 13 of 1983)

To regulate and control the exercise of the profession of a nurse or a midwife and to provide for matters incidental thereto.

##### Ciskeian Nursing Council

Establishment of Nursing Council  
Constitution of Council  
Disqualification, vacation of office and filling of vacancies  
President and Vice-President of Council  
Meetings of Council  
Quorum and procedure at meetings  
Executive Committee  
Education Committee, investigating committee, disciplinary committee, other committees  
Appointment of registrar and staff  
Objects of Council  
Powers of Council, etc  
Education training, registration and enrolment

Offences by persons not registered or enrolled  
Disciplinary powers of the Council  
General and supplementary

Health Professions and Related Health Practices Act  
(Act 36 of 1984)

To provide for the establishment of a Ciskeian Medical Council for control over the training, and for the registration of persons pursuing health professions or related health practices, and to provide for matters incidental thereto.

**Contents of Act**

Establishment and objects, functions and powers of the Ciskeian Medical Council  
Training and registration  
Offences by unregistered persons and persons pursuing related health practices  
Conduct of Pharmaceutical Practice  
Disciplinary powers of the Council  
General and supplementary

Abuse of Dependence-Producing Substances and Rehabilitation Centres Amend Act (Act 6 of 1985)

To provide for the prohibition of the dealing in, and the use or possession of dependence-producing drugs, the imposition of a duty on certain persons to report to the police certain information in relation to certain acts in connection with such drugs; the forfeiture of certain property of certain persons; the cancellation of certain licences of certain persons, the detention and interrogation of certain persons, the establishment of rehabilitation centres and hostels, the registration of institutions as rehabilitation centres and hostels, the committal of certain persons to and their detention, treatment and training such rehabilitation centres or registered rehabilitation centres, the appointment of a director of rehabilitation services to exercise control over rehabilitation centres and hostels and registered rehabilitation centres and the reception and discharge of inmates of rehabilitation centres and registered rehabilitation centres, the amendment of the Medical, Dental and Pharmacy Act 1928, and the Criminal Procedure Act 1955 and to provide for other incidental matters.

**Contents of Act**

Dependence-Producing Drugs  
National Advisory Board on Health Rehabilitation matters  
Rehabilitation  
General

## Abortion and Sterilization Act 16 of 1985

To define the circumstances in which an abortion may be procured on a woman or in which a person, who is incapable of consenting or incompetent to consent to sterilization may be sterilized, and to provide for incidental matters.

### Prohibition of abortion

Circumstances in which abortion may be procured

Sterilization of persons incapable of consenting thereto

Restriction on place where abortion or sterilization may take place

Approval by medical practitioner in charge of institution and certificate by magistrate, etc

## Human Tissue Act (Act 17 of 1985)

To provide for the donation or the making available of human bodies or tissue for the purposes of medical or dental training research or therapy or the advancement of medicine or dentistry in general, for the post-mortem examination of certain human bodies for the removal of tissue blood or gametes from the bodies of living persons and the use thereof for medical or dental purposes as the case may be, for the control of artificial insemination of persons, and for the regulation of the import and export of human tissue, blood or gametes and to provide for incidental matters :

### Contents of Act

Bodies and tissue of deceased persons

Tissue, blood and gametes of living persons and blood products

Authorized institutions, import or export of tissue or of blood, blood products or gametes and related matters.

Appointment and functions of inspectors of Anatomy

General and supplementary provisions

### 4.4.3. Education

#### Technikon Act No 15 of 1984

To provide for the establishment of a technikon for the maintenance, management and control, and for matters connected therewith.

Establishment and functions of the technikon

Teaching and training of teachers for secondary schools

Status and proprietary capacity of technikon

Constitution of technikon

Principal of technikon

Council of technikon

Academic board of technikon

Appointment of staff and conditions of service, salaries and

leave privileges of members of staff  
Pension rights, retirement benefits and retirement ages  
Misconduct and inefficient staff  
Transfer of employees  
Secondment of employee of technikon  
Registration as students of technikon  
Refund of registration as student  
Discipline, places of residence and places of instruction  
of students  
Financial assistance to students  
Fees payable by students, etc.

#### Education Act No 27 of 1985

To provide for the control, administration and supervision  
of education and for matters incidental thereto.

Control and administration of education and organizing of  
and report on activities of department  
Determination of education policy  
Council for education  
Establishment of Councils, committees, boards and other  
bodies for Government  
Registration and management of Government-aided schools  
Making of grants-in-aid or payment subsidies to Government-  
aided school  
Taking over of management and control of Government-aided  
school by Minister  
Establishment of and appointment promotion and discharge of  
teachers in Government schools, etc.

#### University of Fort Hare Amendment Act No 9 of 1987

To amend the University of For Hare Act 1969 and to provide  
for incidental matters.

#### 4.4.4. Marriage Act (Act No 24 of 1988)

To consolidate and amend the laws relating to the  
solemnization and registration of marriages and to provide  
for matters incidental thereto.

Marriage officers  
Requirements as regards solemnization of marriages  
Registration of marriages.



RESPECTIVE ROLE AND FUNCTIONS OF GOVERNMENT, CORPORATE  
INSTITUTIONS AND PRIVATE SECTOR IN ECONOMIC DEVELOPMENT IN CISKEI

1. PURPOSE OF DOCUMENT

The purpose of this document is to outline the nature, role and function of the public and private sectors, and to indicate how institutions within these sectors interact and compliment each other in the development process.

It is therefore important to first understand the place and purpose of the wide range of institutions, commonly described as public and private sectors, which contribute to development.

2. INTRODUCTION

Since the early 1980's a new economic development approach has been adopted by common agreement between the Governments of the SATBVC countries and the self-governing territories in South Africa. This approach was articulated by a joint declaration on the promotion of private investment. This declaration can be described as a framework of principles based on the belief that a dynamic economic development process requires that as much scope as possible be allowed to market forces to determine, and private sector to decide, which goods and services to provide, and how, when and for whom to do so.

This approach implies that the economic role of the public sector should, apart from the provision of certain collective goods and services, the maintenance of law and order and of the integrity of the financial

system, be limited to supporting and facilitating the role of the private sector. The public sector's role in a free enterprise system is thus facilitative and supportive to what can be done by the private sector.

In carrying out this supportive role, public sector must operate according to certain principles:

- Private sector participation in development should be maximized.
- The priorities and the needs of the communities involved must serve as a departure point in the formulation of policies and strategies.
- Provision should be made for participation and involvement of the people in the formulation and execution of functions, programmes and projects.
- Public sector authority should be decentralized to local level and corporate institutions who's mission and policy should be directly derived from and consistent with the policy and strategy of the government.
- Under circumstances where private sector finds the risk/return ratio too high, a case exists for public sector intervention. When public sector intervenes to encourage and facilitate private sector involvement in development, it is of crucial importance that the public sector understands and takes into account the market principles according to which private sector takes its investment decisions.

- Public sector should take regional aspects into account in its decision making process such as the harmonisation of economic approach and the optimal utilisation of existing infrastructure in the region.
- The decision-making criteria for the public sector (government and corporate institutions) to involve itself in development projects and programmes must be based on a socio-economic cost/benefit analysis to ensure that economic development benefits are maximized.
- Intervention by public sector in development activities should be based upon sound financial and administrative control procedures.
- Public sector must take cognisance that development actions take place in urban and rural environments and that it is necessary to identify and differentiate between the different economic sectors, i.e. mining, commercial etc.

By adhering to these principles public sector will create a positive investment climate for private sector involvement in development. It will enable, facilitate, and support economic development in such a way that the private sector can participate in the economic development process without having to relinquish normal business principles and objectives. The optimal exploitation of economic potential would be facilitated eventually, ensuring the biggest possible benefits to each individual participating in the process. In this way far more income and job opportunities will be created than if only the resources of the public sector had to be relied upon.

3. CRITERIA FOR PUBLIC SECTOR SUPPORT

The ability and willingness of the private sector to participate in development will depend on its own level of development. It is important to recognise that the private sector does not only consist of big business enterprises but also all other entities involved in economic activities at own risk, from the individual in the informal sector through small and medium sized businesses to big enterprises. Its level of development, ranging from emerging to fully developed, can be gauged from the existence, or absence, of constraints and the ability of the individual private enterprise or entrepreneur to address such constraints.

The constraints inhibiting the participation of private sector enterprises in development can be divided into external and internal constraints. External constraints are those over which the individual enterprise or entrepreneur has little influence. They are related to fundamental structural aspects in the socio-economic system, such as individual freedom and property rights, price levels, regulations, nature of and changes in needs, and purchasing habits. Internal constraints are those which influence business efficiency and effectiveness and over which the individual enterprise or entrepreneur itself does have an influence. These include managerial and entrepreneurial competence, as well as constraints allied to the usual business functions of production, marketing, purchasing, staffing, training and finance.

By definition, emerging enterprises and entrepreneurs will be confronted with internal as well as external constraints. They are unlikely to be able to

completely overcome either their internal or their external constraints without assistance. Fully established enterprises on the other hand, can be expected to experience mainly external constraints while they will, or should, be able to overcome their internal constraints without public sector support.

The public sector's supportive role to facilitate private sector's involvement in the economic development process can be defined in terms of the alleviation of external and internal constraints. In supporting emerging businesses (such as small businesses), the public sector should direct its resources towards addressing both the internal and external constraints faced by such businesses. Support for established businesses should, in contrast, be directed mainly towards overcoming external constraints.

The target group for supportive action by the public sector would thus be the emerging and established entrepreneurs, but with different appropriate strategies. Intervention by public sector should be aimed at supporting this target group to enable them to address their constraints themselves. This indicates that such supportive actions must be of an interim nature and should be withdrawn as the businesses mature to fully developed enterprises.

4. THE ROLE AND FUNCTIONS OF GOVERNMENT, DEVELOPMENT INSTITUTION AND PRIVATE SECTOR IN THE ECONOMIC DEVELOPMENT PROCESS

4.1 PRIVATE SECTOR

In a system characterised by free enterprise the role of the private sector is to satisfy the needs of the people of a particular country, territory or region. The private sector should have the right to decide on the type of economic activity in which their resources are to be employed most efficiently and effectively in the provision of the goods and services. These resources include human resources and thereby the creation of job opportunities.

4.2.1 GOVERNMENT DEPARTMENTS

In broad terms, the role of government in a free enterprise environment, is supportive to the actions of the private sector.

Government should assume responsibility for the following specific functions:

- continuous attention to policy and formulation of appropriate strategies in accordance with the dynamic nature of economic development.
- attention to legislation and other factors controlled and influenced by Government to ensure an atmosphere conducive to the involvement by private sector in the development process.
- attention to actions that will provide for access by the private sector to the economy.

- Government also has to provide certain necessary development functions which in general do not have a direct financial return and are consequently unattractive to the private sector. The most obvious of these are education, public health and infrastructure.

#### 4.2.2 CORPORATE DEVELOPMENT INSTITUTIONS

The principle reason for the establishment of corporate institutions, is the Government's decision to initiate activity in the economy in order to achieve its development objectives within a regional context and to stimulate private sector involvement. Any profits (although it is not the main aim) derived from its activities, can be channeled back into development.

It should be accepted that the various corporate bodies are not necessarily operating at the same level of responsibility. Thus there need not necessarily be conformity in any aspect of control or management between parastatals.

It is important to recognise that the activities of a corporate development institution should be directed exclusively at supportive, promotive and facilitative action needed by the private sector. Corporate institutions should not undertake commercial activities in which the private sector is both willing and able to participate. It is important to guard against corporate development institutions competing with the private sector in the market place, allocating resources to a project on an unfair basis, or restructuring their organisation to concentrate on commercial activities that are not consistent with its

fundamental developmental mission of providing support and advice to the private sector.

The potential and priority of the economic sector(s) will determine the need for a corporate development institution. Such a decision needs careful considerations because it will have financial implications for the government. Such an institution must operate in a professional manner to accommodate private sector needs. They should be able to operate autonomously within an agreed framework and to make expeditious rational decisions. This requires specific management capabilities outside the normal government personnel milieu to operate effectively and efficiently. The capacity should facilitate financial flexibility, personnel control and insulation from bureaucratic or political interference. When the institution is to act on behalf of government in the economic world, and respond to the private sector it must be able to appoint competent staff to carry out its functions.

In its efforts to support and promote the private sector the following specific corporate functions can be identified:

- the provision of advice to the private sector to identify, plan, appraise and implement economic activities;
- providing appropriate financial assistance where the private sector has no alternative sources. The mobilisation of alternative sources of funds within the private sector should be constantly pursued;



- physical facilities which in a fully developed economy would normally be provided by the private sector, but because of constraints, need to be provided by the public sector as an interim measure. The institution must conduct viability studies to be assured of the economic viability of such projects;
- undertake certain government functions, i.e. environmental protection, training and infrastructure in key sectors which it may be able to provide more effectively and efficiently because of particular circumstances, but only on an agency basis and within special financial arrangements;
- continuous monitoring and feedback to Government of the development climate in order to adjust policies and strategies to changing circumstances;
- actively promote the participation of private sector in the economic development process. With regard to emerging entrepreneurs this implies the provision of a comprehensive support programme aimed at the particular needs and requirements of such entrepreneurs;
- actively promote the different economic sectors of the state to its local community and to foreigners so as to maximise local resources;
- maintain a sound relationship with its local community and relevant organisations.

In general, corporate development institutions are established by promulgation of legislation. In Ciskei's case, the Ciskeian Corporations Act 16 of 1981 was

promulgated to provide for the continued existence in Ciskei of a development corporation and for the establishment of other corporations. This Act prescribed in extremely broad terms the objects and powers of such corporations as well as their financing, control and management procedures.

The Act determines that Ciskei corporations shall be corporate bodies with limited liability and perpetual succession and capable of suing and being sued in their own right.

5. INTER-RELATIONSHIPS BETWEEN GOVERNMENT AND CORPORATE INSTITUTIONS

It is important that Government recognises the need to adopt certain basic principles in respect of the relationship between the government departments, local authorities, the corporate public sector institutions, private sector and the people of Ciskei. The following are of importance.

- 5.1 The mission and policies of a corporate institution in the public sector should be directly derived from and consistent with the overall policies and strategies of the Ciskei Government. Furthermore such a corporate institution should also be seen to carry out its responsibilities in such a way that it is in full harmony with the needs and aspirations of Ciskei. This implies an approach where full provision is made for participation and involvement of the people in the formulation, planning and execution of functions, programmes and projects.

5.2

Control of Corporate institutions

The Board of Directors and senior management of a corporate institution are responsible for operational decisions within the framework of the overall economic policy of Ciskei. A corporate institution must be able to operate in a professional manner to accommodate the private sector's needs. It must be able to operate autonomously within the agreed framework without interference from government on the normal day to day operations of the corporate institution.

The Government should, however, be continuously satisfied that a corporate institution is effectively and efficiently carrying out its mission and objectives as determined by the Ciskei Government and if necessary the act should be reviewed to accommodate this. This can, inter alia, be ensured by the Government being directly represented on the Board of Directors, by appropriate channels of communication between the government department responsible for a particular corporate body, by approving the annual budget of a corporate body and by evaluating the performance of such corporate institutions on a regular basis as, for instance, in considering the Annual Report. Furthermore the Board of Directors should provide an optimum mix between representatives of government as shareholder, representatives of the people to be served by the organisation and the necessary expertise and experience from private sector.

5.3

Financial Arrangement

The establishment of an appropriate financial arrangement between a government and its corporate development institution is also of utmost importance in

order to place such an institution in a position to carry out its mission within the policy framework of Ciskei. Such financial support would be to provide sufficient share capital to provide a institution with the necessary financial basis to mobilise other sources of finances and maintain its average cost of capital at a level conducive to its role and mission, and to provide guarantees when necessary. When a corporate institution is instructed by Government to carry out functions which are normally the responsibility of Government, special financial arrangements must be agreed upon to fund such actions. It should not form part of the normal budget, and the allocation of funds should be clearly specified. If such a system does not operate efficiently, a corporate institution is tempted to undertake functions of a commercial nature simply to ensure a continuous flow of financial resources and by doing so, to compete directly with the private sector instead of providing the facilitating, promotional and supportive role as indicated in the economic policy of Ciskei.

In order for Government to determine the amount of share capital and grants to the institutions, detailed estimated budgets should be provided to Government to then determine the amount of share capital and grants to make available to the development institutions.

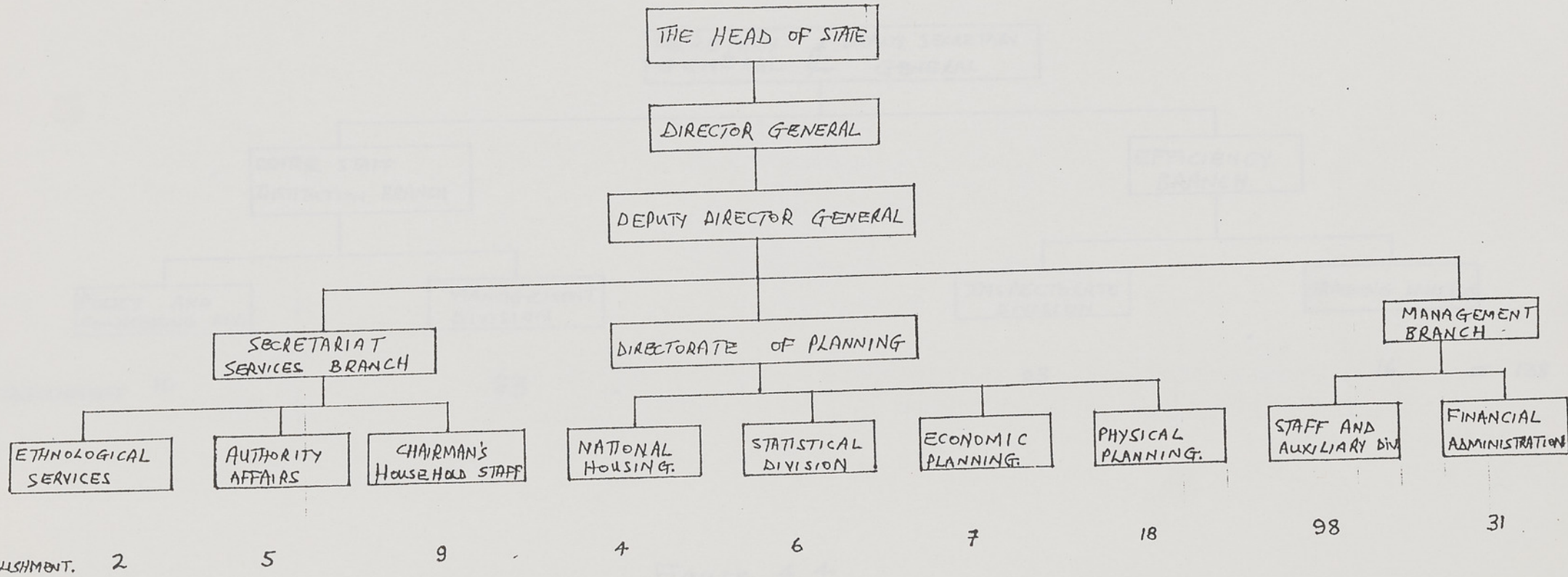
In order to resolve any conflict with the JFAC's financial guidelines in Ciskei, the development institution should be required to produce detailed budgets for their main activities to be presented to this forum. Once these have been accepted and the budget agreed upon, the institution should have the right to vary within a specific programme. The switching of funds from a main programme to another should be subject to the approval of Government.

However, within each approved programme the corporation must retain the right to act autonomously and have sufficient flexibility to take advantage of opportunities that may suddenly arise. Should such an opportunity arise outside of the limits of approved programmes, the institution should seek government approval before a commitment is made.

In view of the specific, important roles that Government, local authorities, corporations, the private sector, and the public at large must play in achieving development objectives, it is clear that appropriate mechanisms to ensure sound communication and interaction among these entities must be established. To this end, it will be necessary to develop forums of communication to:

- improve Government to corporation interactions;
- improve corporation to corporation interaction;
- strengthen the interface with private sector;
- establish a regional interface.

DEPARTMENT OF THE COUNCIL OF STATE



Total Staff Complement 185

FIGURE : 4.2

# CENTRAL PERSONNEL ADMINISTRATION

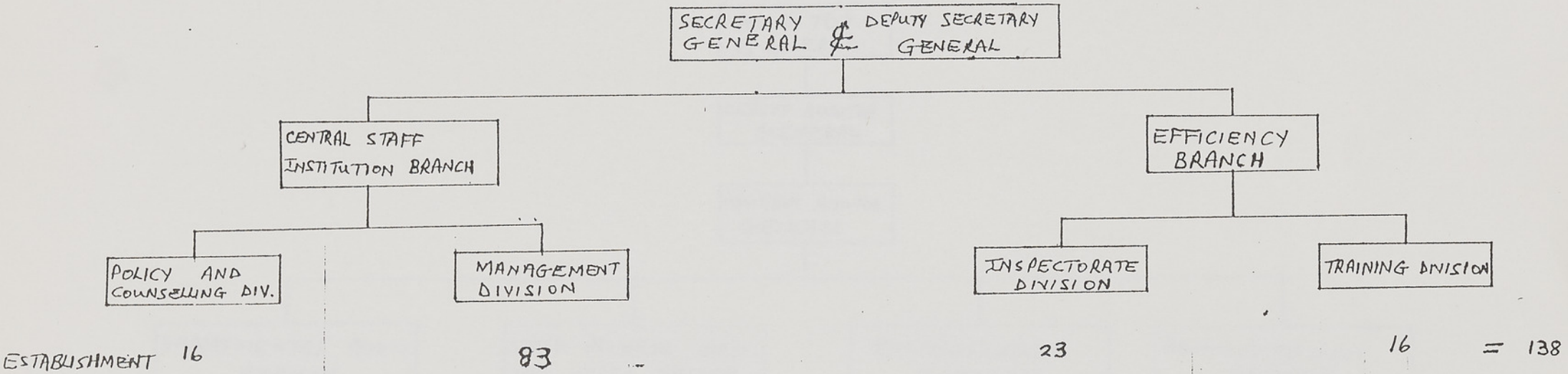


Figure 4.4

OFFICE OF THE AUDITOR GENERAL

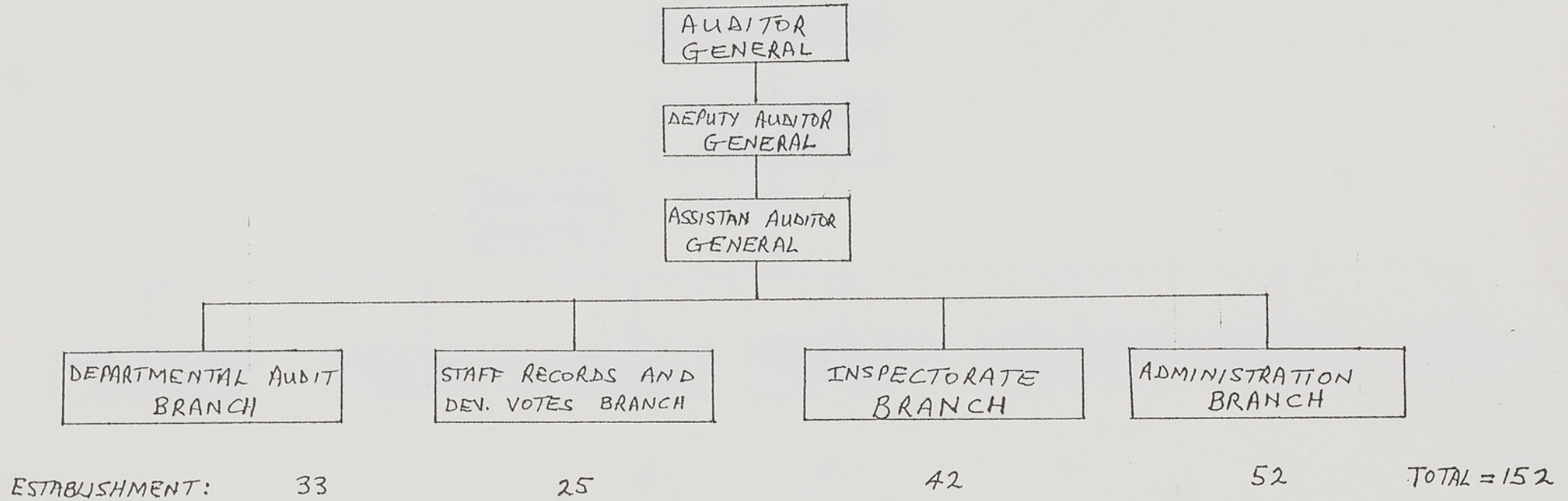
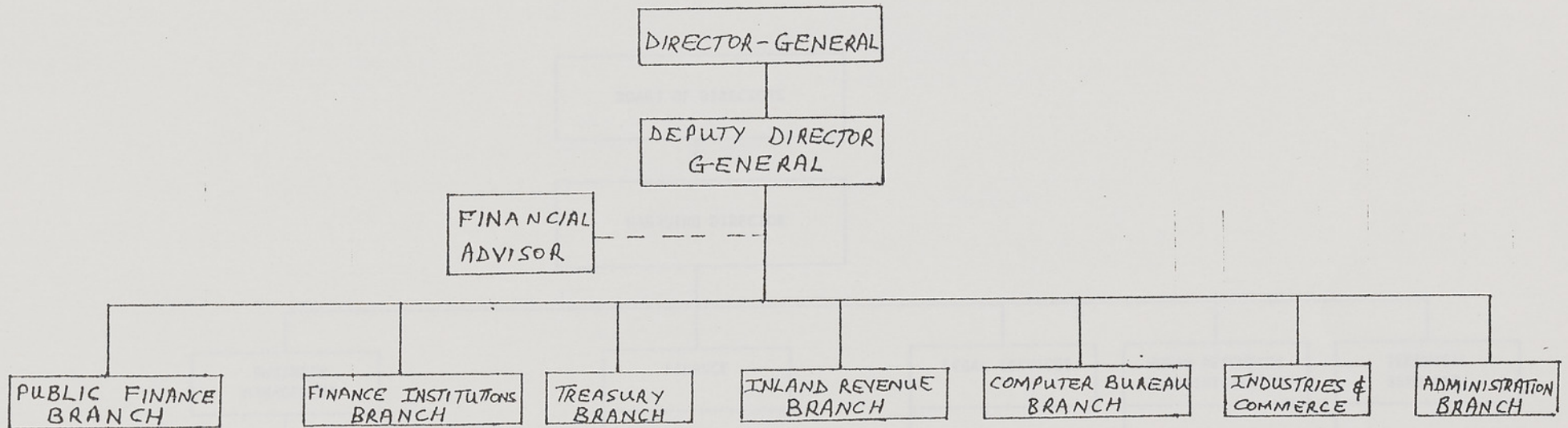


Figure 4.5



DEPARTMENT OF FINANCE & ECONOMIC DEVELOPMENT.



ESTABLISHMENT: 1

1

22

109

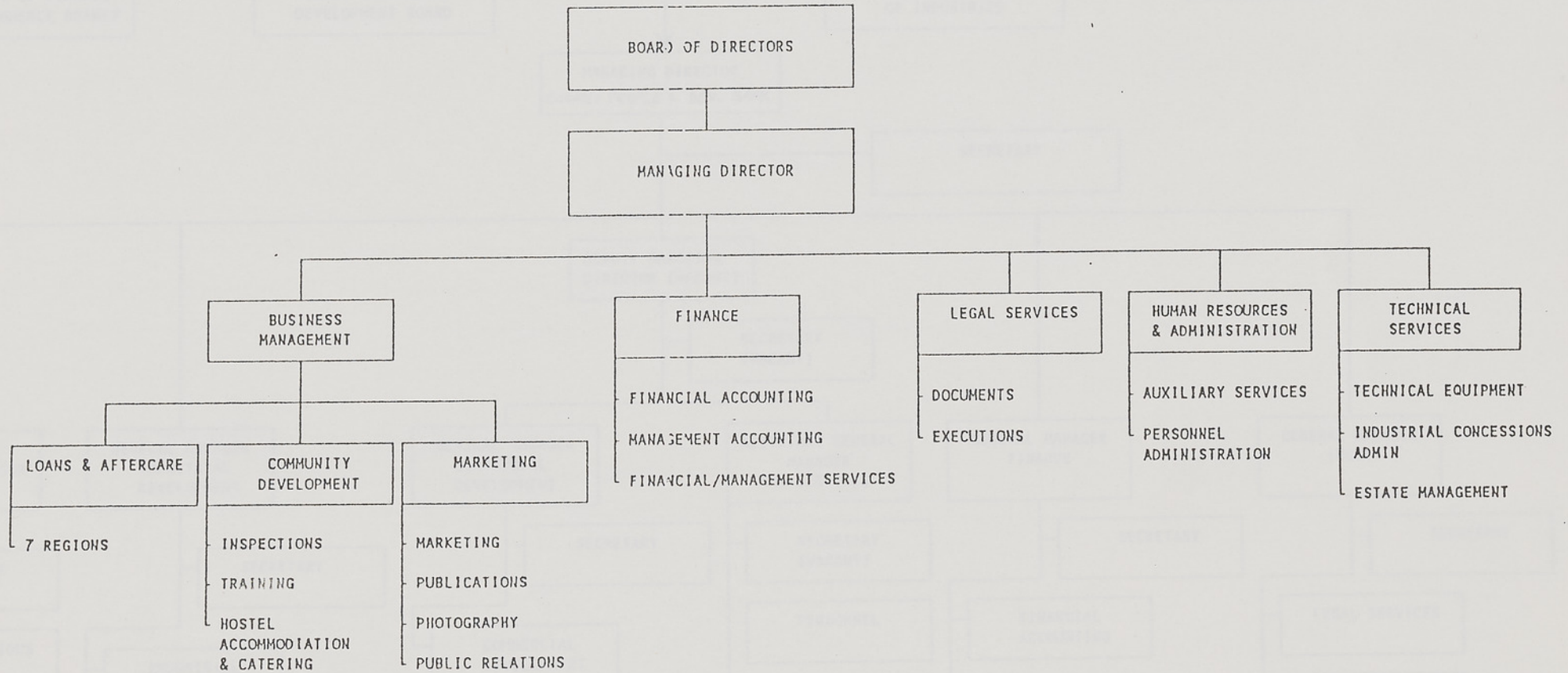
48

16

115 TOTAL=312

FIGURE 4.6 (a)

**ORGANISATION CHART  
CISKEJIAN SMALL BUSINESS CORPORATION**



	7 REGIONS	INSPECTIONS	MARKETING	FINANCIAL/	EXECUTIONS	PERSONNEL	ESTATE	TOTAL
ESTABLISHMENT:	41	16	9	25	4	107	4	206
IMPLEMENT :	19	14	3	22	3	97	3	161
CANT :	22	2	6	3	1	10	1	45

*Figure 4.6 (b)*

# CISKEI PEOPLES DEVELOPMENT BANK ORGANISATION CHART

MINISTER OF FINANCE

DEPARTMENT OF FINANCE  
INDUSTRY/COMMERCE BRANCH

CISKEI INDUSTRIAL  
DEVELOPMENT BOARD

CISKEI CHAMBER  
OF INDUSTRIES

**CSBC** CISKEI SMALL BUSINESS  
CORPORATION.

MANAGING DIRECTOR  
CISKEI PEOPLE'S DEV. BANK

SECRETARY

DEPUTY MANAGING  
DIRECTOR (VACANT)

SECRETARY  
(VACANT)

CHIEF PUBLIC  
RELATIONS MANAGER

GENERAL MANAGER  
INDUSTRIAL  
DEVELOPMENT

GENERAL MANAGER  
COMMERCIAL  
DEVELOPMENT

ASSISTANT GENERAL  
MANAGER  
MAN SERVICES

GENERAL MANAGER  
FINANCE

GENERAL MANAGER  
LEGAL

SECRETARY

SECRETARY

SECRETARY

SECRETARY  
(VACANT)

SECRETARY

SECRETARY

PUBLIC RELATIONS

INDUSTRIAL  
DEVELOPMENT

COMMERCIAL  
DEVELOPMENT

PERSONNEL

FINANCIAL  
ACCOUNTING

LEGAL SERVICES

NEW BUSINESS

TRAINING

COMPUTER SERVICES

COMPANY SECRETARY

TECHNICAL  
SERVICES

O & M

PROJECT MANAGEMENT

ADMIN AND  
OFFICE SERVICES

INTERNAL AUDIT

ESTABLISHMENT: 6  
IMPLEMENT : 4  
VACANT : 2

153  
112  
41

72  
8  
4

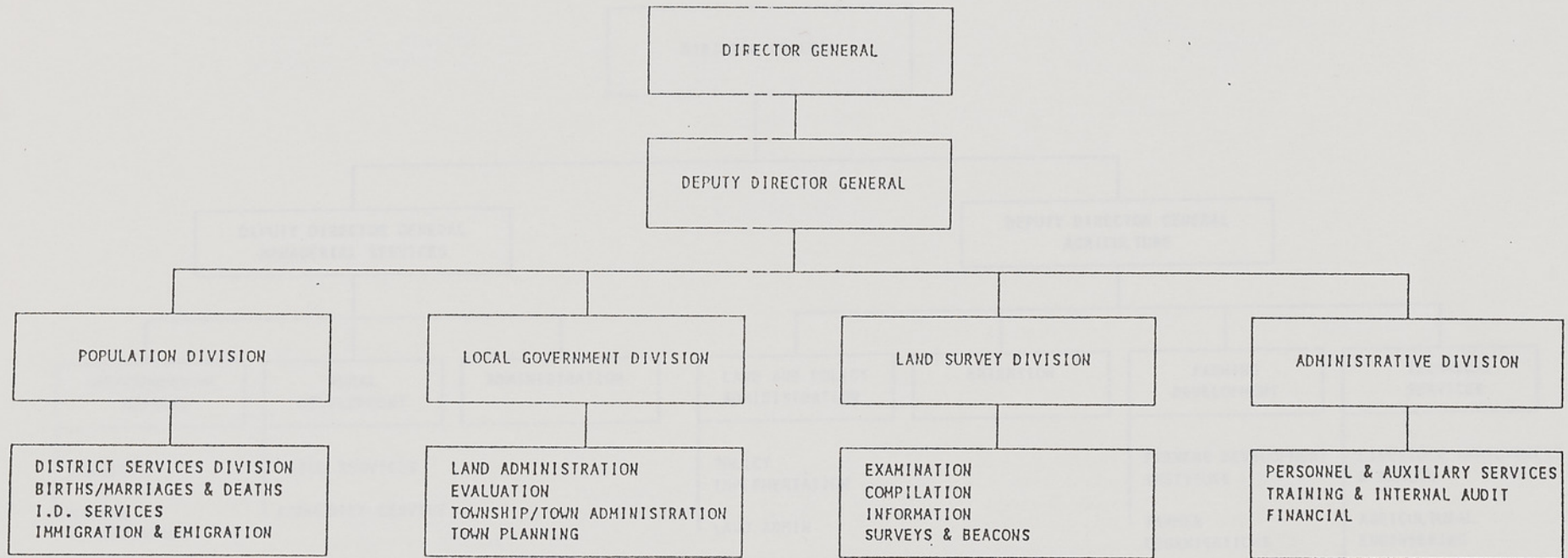
93  
71  
22

156  
93  
63

11  
7  
4

MAN	TOTAL
17	508
14	369
3	139

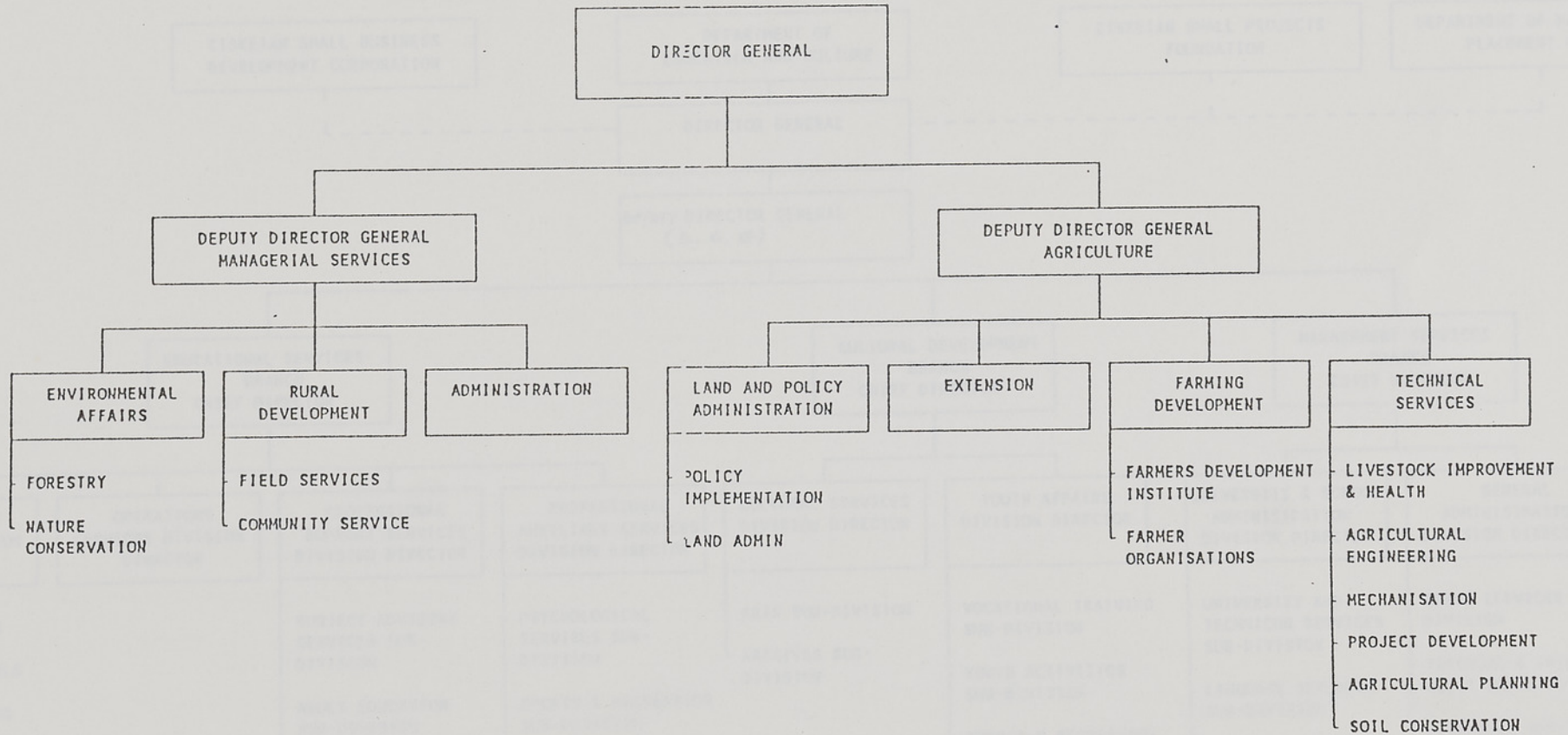
ORGANISATION CHART  
DEPARTMENT OF INTERNAL AFFAIRS AND LAND TENURE



					<u>TOTAL</u>
STABLISHMENT:	140	285	18	66	509
OMPLEMENT :	49	105	11	35	200
ACANT :	91	180	7	31	309

Figure 4.7

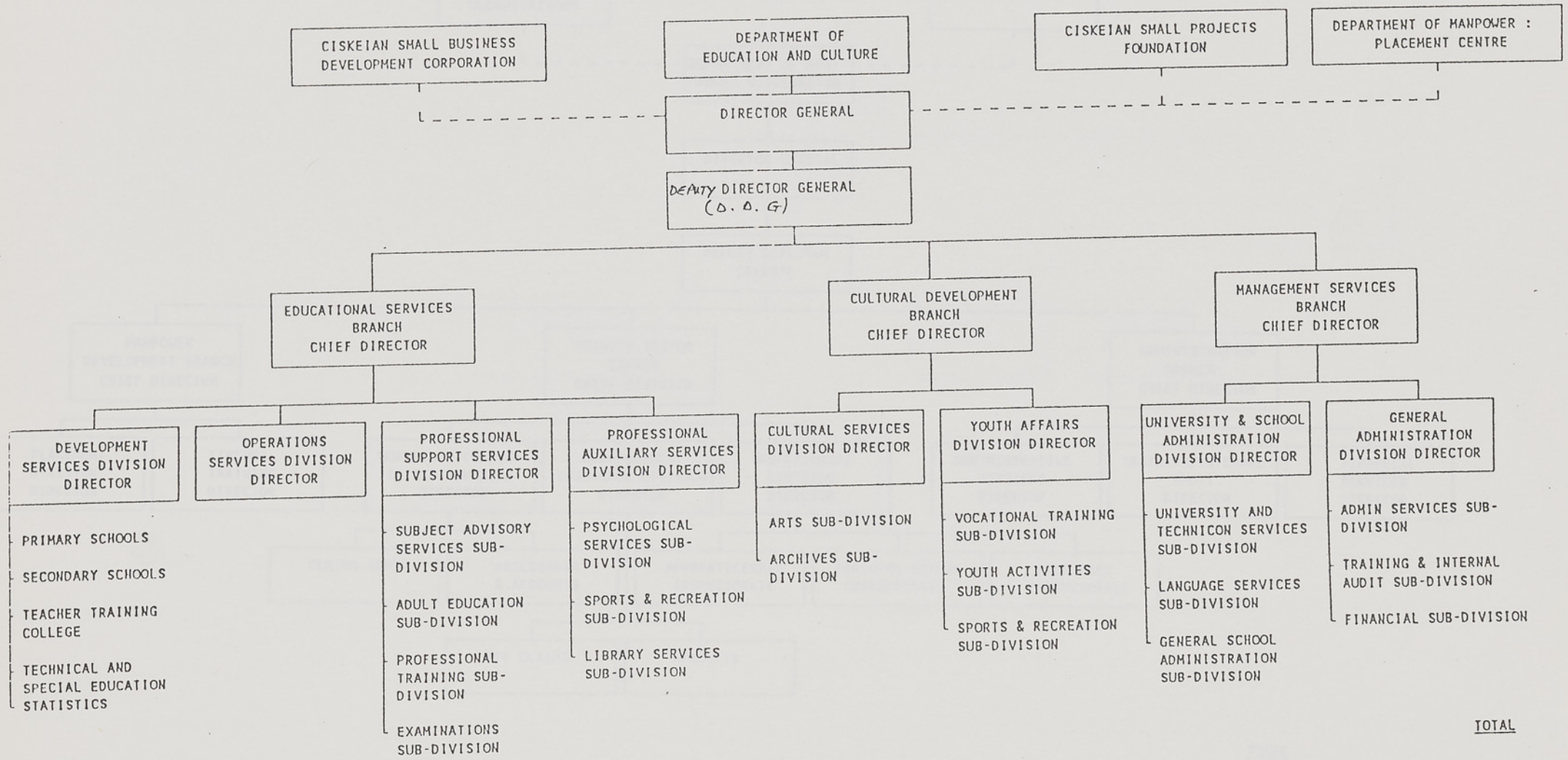
# ORGANISATION CHART DEPARTMENT OF AGRICULTURE, FORESTRY AND RURAL DEVELOPMENT



	ENVIRONMENTAL AFFAIRS	RURAL DEVELOPMENT	ADMINISTRATION	LAND AND POLICY ADMINISTRATION	EXTENSION	FARMING DEVELOPMENT	TECHNICAL SERVICES	TOTAL
ESTABLISHMENT:	817	131	196	177	140	71	910	2 442
PERSONNEL:	523	55	122	155	26	25	723	1 629
BUDGET:	294	76	74	22	114	46	187	813

Figure 4.8

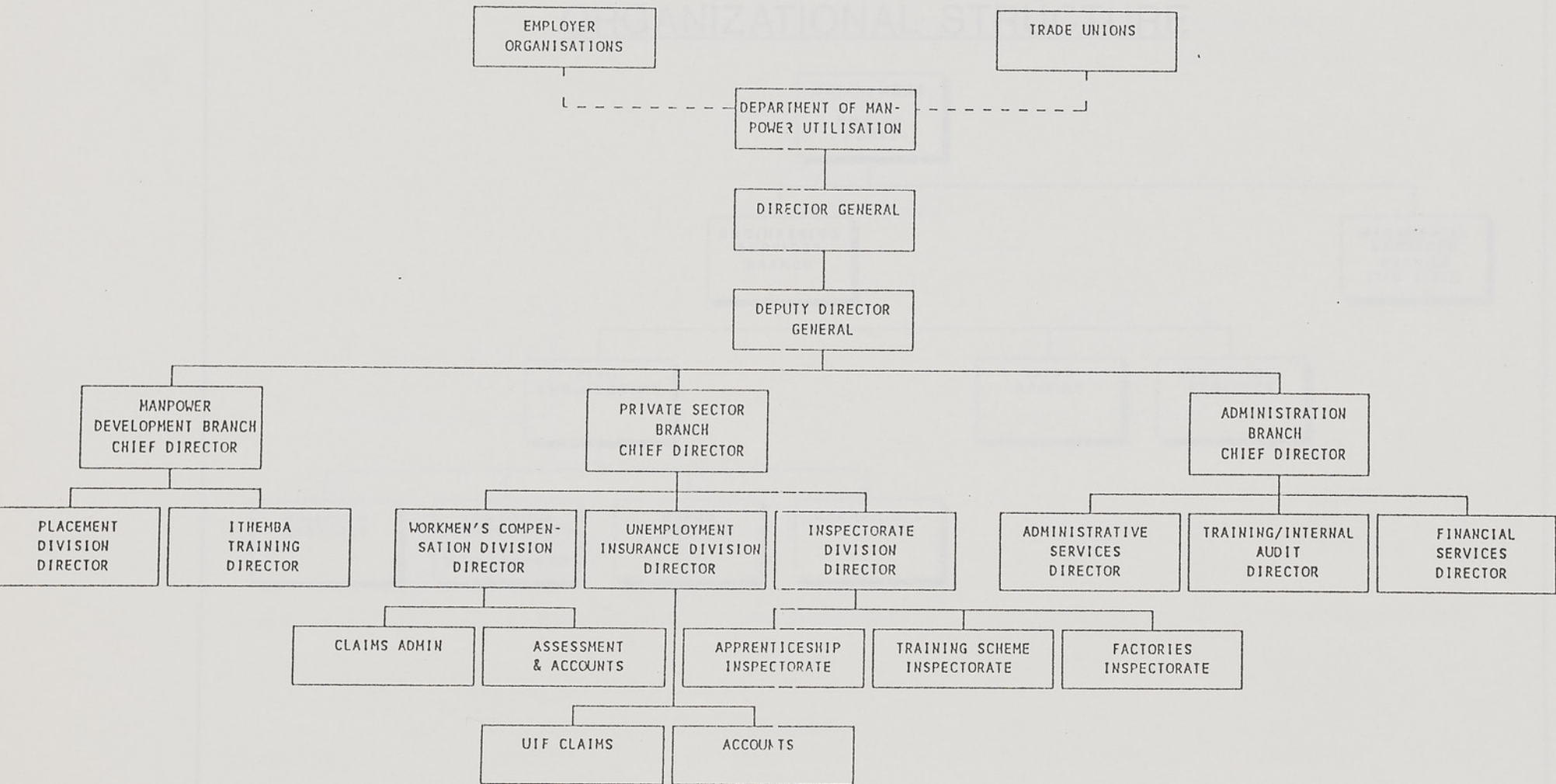
# ORGANISATION CHART DEPARTMENT OF EDUCATION AND CULTURE



											<u>TOTAL</u>
ESTABLISHMENT: 50	82	43	34	89	30	219	547				
COMPLEMENT : 19	45	23	21	48	14	116	286				
VACANT : 31	37	20	13	41	16	103	261				

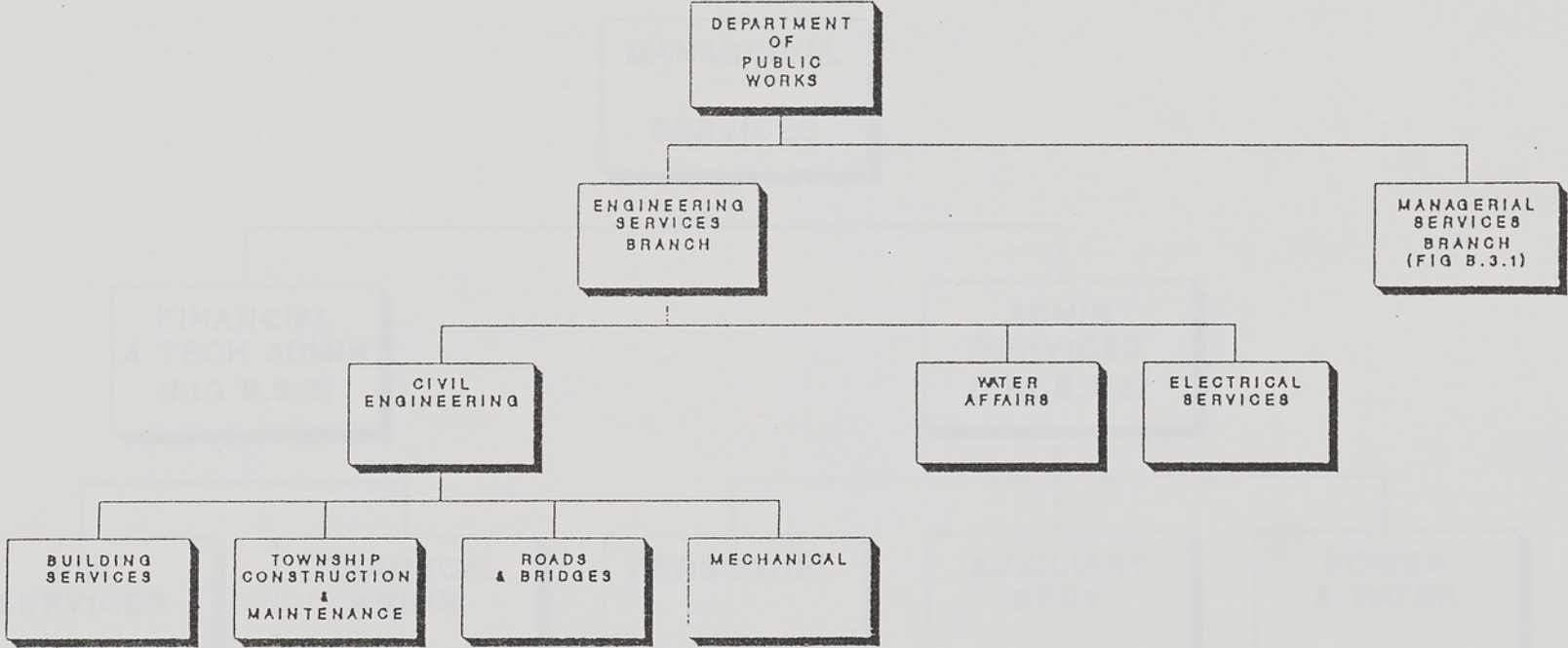
# ORGANISATION CHART DEPARTMENT OF MANPOWER UTILISATION

FIGURE 4/1 EXISTING FUNCTIONAL ORGANIZATIONAL STRUCTURE



						<u>TOTAL</u>
ESTABLISHMENT: 98	177	26	36	25	68	430
PLACEMENT : 47	93	22	28	15	45	250
AGENCIES : 51	84	4	8	10	23	180

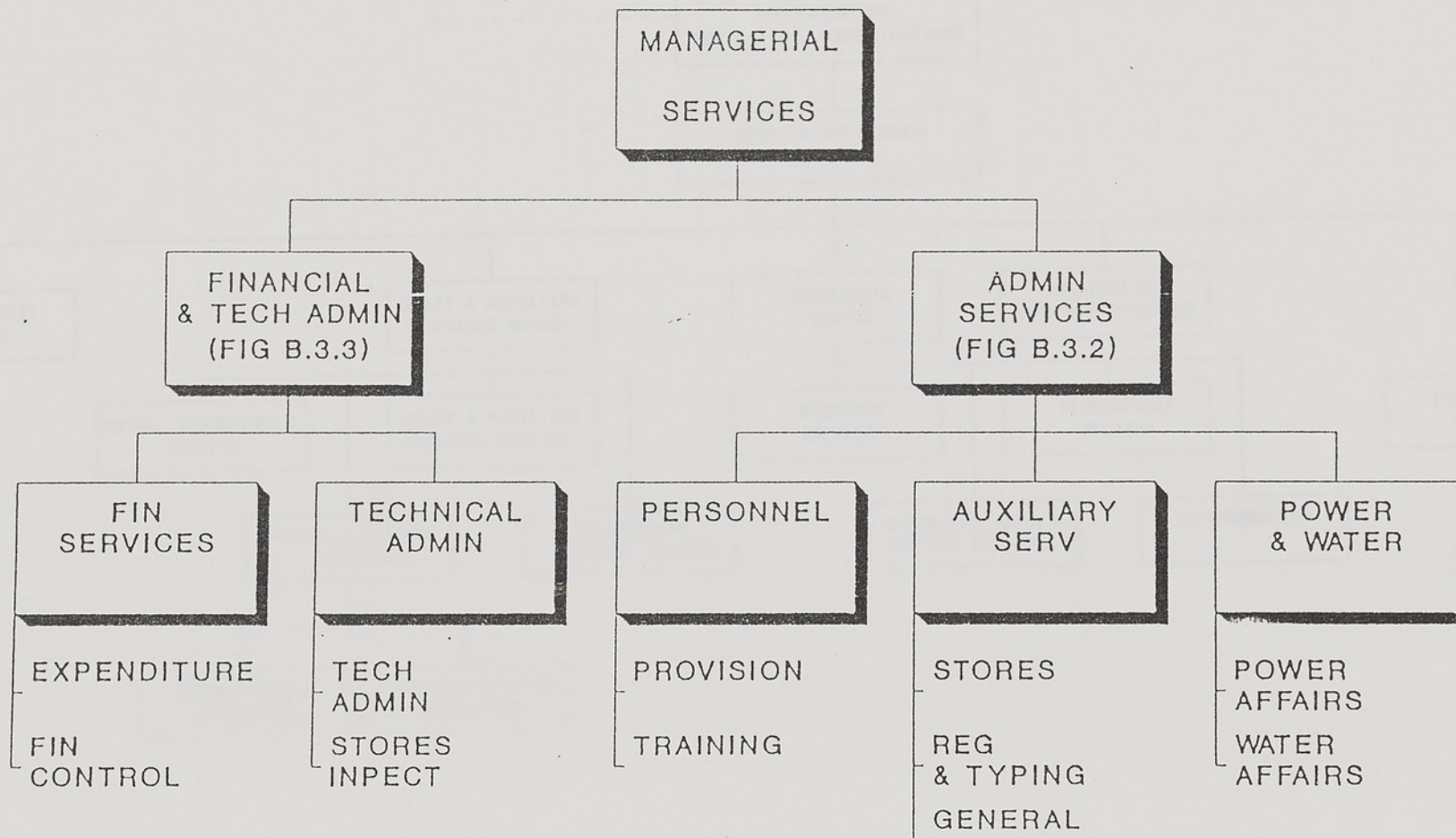
FIGURE 4.11(a) EXISTING FUNCTIONAL ORGANIZATIONAL STRUCTURE



*Figure 4.11(a)*

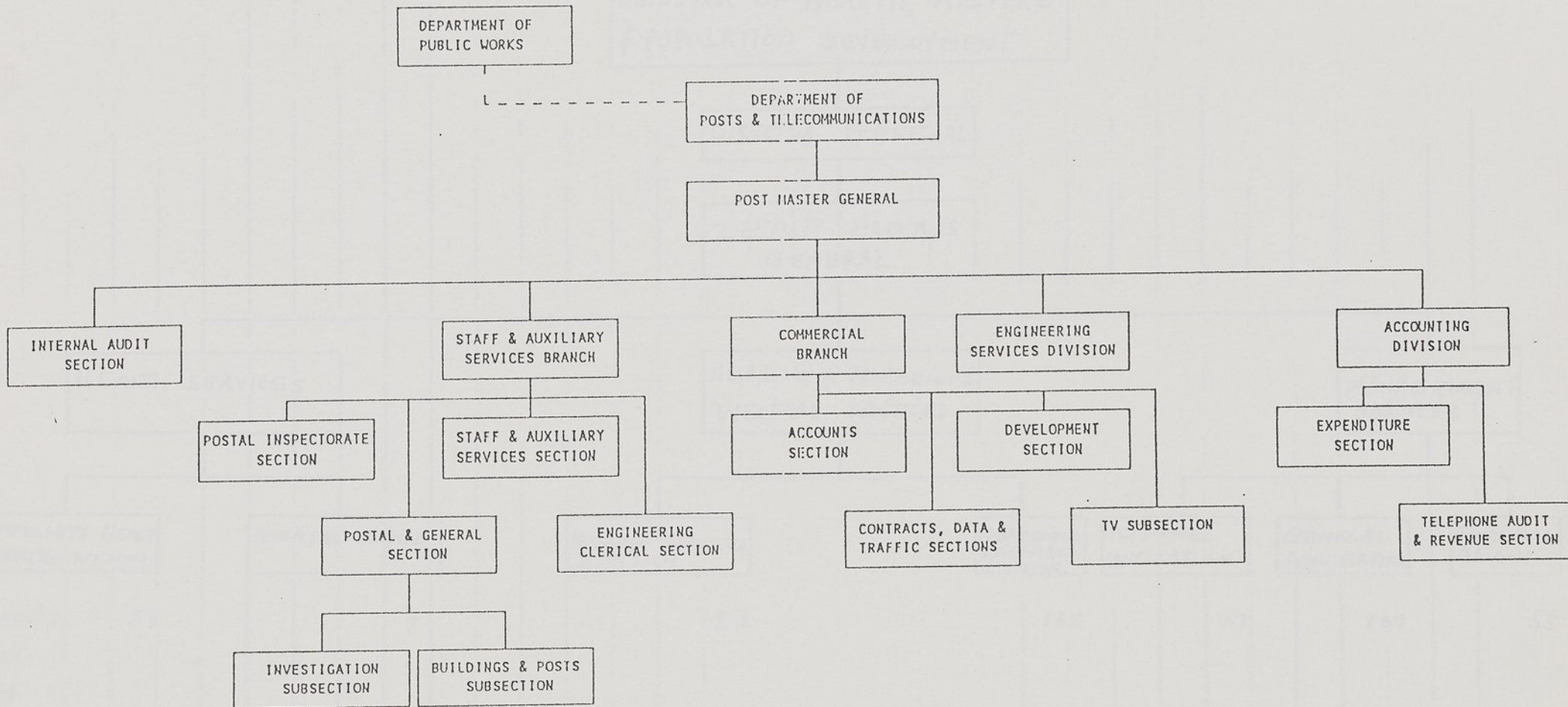


FIGURE 4.11(b) EXISTING FUNCTIONAL ORGANIZATION STRUCTURE (MANAGERIAL SERVICES BRANCH)



*Figure 4.11(b)*

# ORGANISATION CHART DEPARTMENT OF POSTS AND TELECOMMUNICATIONS



TOTAL AUTHORISED ESTABLISHMENT STANDS AT 682 POSTS; 509 FILLED (36 SECONDED OFFICIALS - TECHNICIANS/TELCOM ELECTRICIANS)

Figure 4.12

DEPARTMENT OF HEALTH, WELFARE  
AND POPULATION DEVELOPMENT

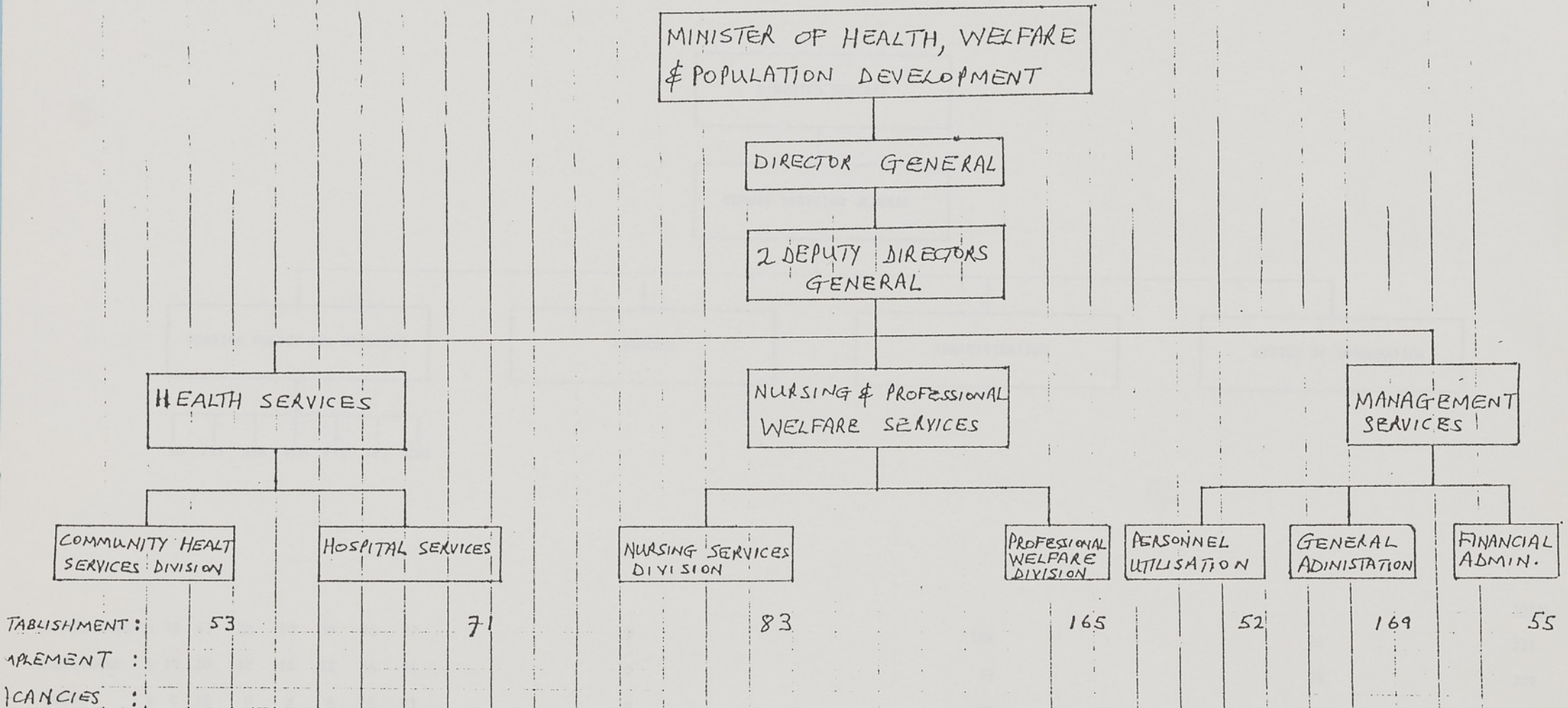
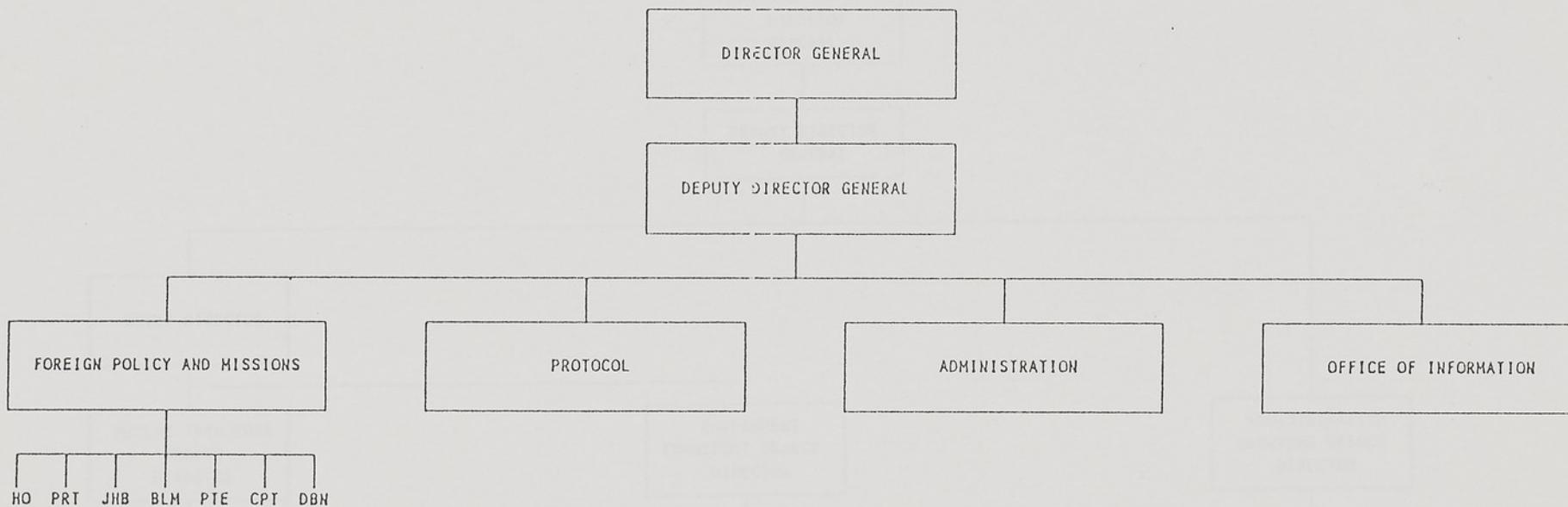


FIGURE 4.13

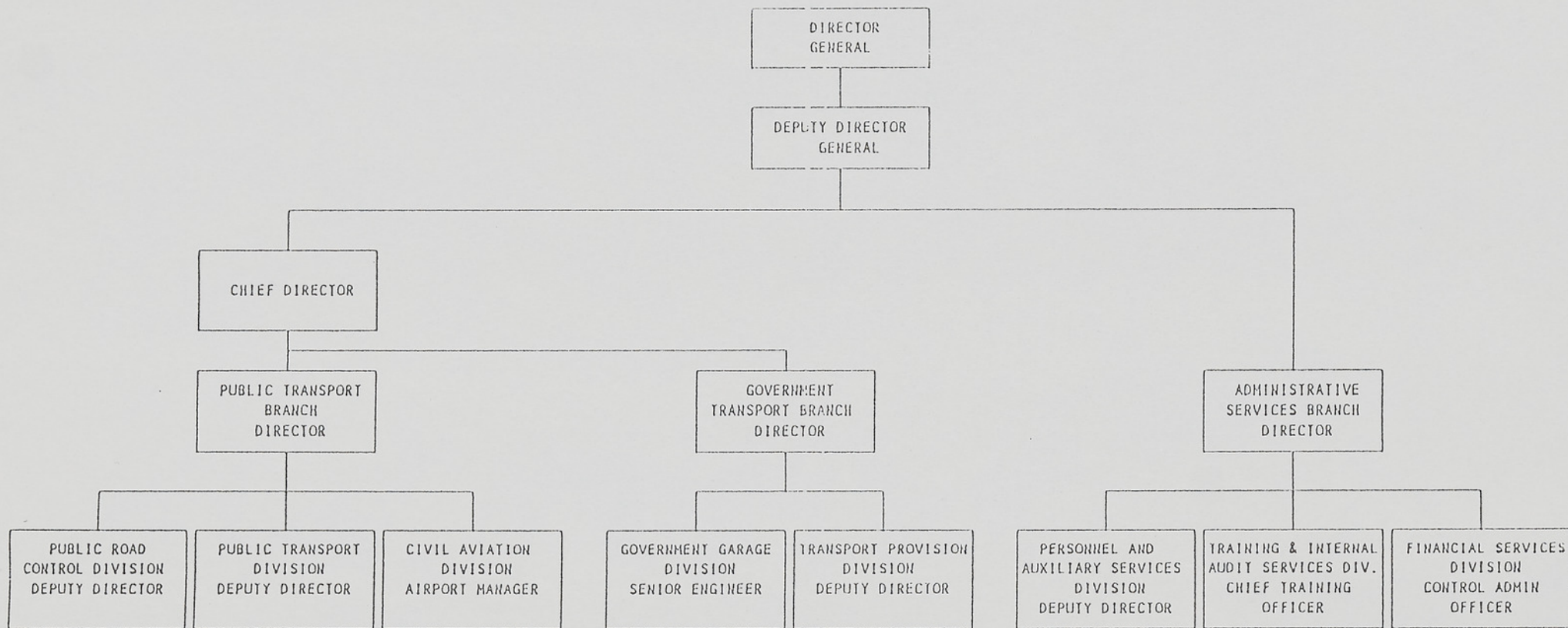
ORGANISATION CHART  
DEPARTMENT OF FOREIGN AFFAIRS



	HO	PRT	JHB	BLM	PTE	CPT	DBN				TOTAL
ESTABLISHMENT:	10	43	26	20	30	26	27	9	104	26	321
COMPLEMENT :	10	30	17	12	22	16	14	9	79	20	229
VACANT :	0	13	9	8	8	10	13	0	25	6	92

Figure 4.14

ORGANISATION CHART  
DEPARTMENT OF TRANSPORT & AVIATION



									TOTAL
ESTABLISHMENT: 62	48	CPA	357	110	127	3	34		741
COMPLEMENT : 19	27	52	192	76	97	2	24		489
VACANCIES : 43	21	-	165	34	30	1	10		304

*Figure 4.15*

[ ]

CISKEI PROFILE

FOR SUB-COMMITTEE 4 OF WORKING GROUP 4

"THE POLITICAL, LEGAL AND CONSTITUTIONAL ISSUES

RELATED TO THE FUTURE OF THE TBVC STATES"

FOR SUBMISSION TO CODESA

VOLUME 2

A MEMORANDUM PREPARED BY THE CISKEI DELEGATION TO CODESA ON THE IDENTIFICATION OF PROBLEMS AND ACTIONS REQUIRED IF RE-INTEGRATION OF THE REPUBLIC OF CISKEI INTO REPUBLIC OF SOUTH AFRICA IS REQUIRED AND POSSIBLE SOLUTIONS TO SOME OF THE PROBLEMS.

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INTRODUCTION AND HISTORICAL BACKGROUND TO THE REPUBLIC OF CISKEI.

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It will be recalled that the Ciskei delegate serving on Sub-Committee 4 of Working Group 4 reserved the right to table a historical background to the Ciskei profile document which was presented on March 1992. The Ciskei delegation to Codesa would wish the Sub-Committee 4 of Working Group 4 to take note of the circumstances which applied to the Ciskei people in the 18th and 19th centuries in seeking to retain and defend their heritage. It should be relatively easily understood why the Ciskeian people of today are not persuaded to give over their hard won independence to any unproved popular political movement without hard cold facts being placed on the table relating to constitutional dispensation and safeguards.

The descriptive narrative which follows is fact based on written historical fact and is testimony to a courageous and noble people who sacrificed everything in their desperate bid to save their national heritage. To attribute Ciskei's independence to the evils of "apartheid" is to do the people and leaders of Ciskei a gross injustice and insult. They struggled for restitution, they were an independent and free people and they have no wish to fall into further bondage to the new emancipators of Southern Africa.

**HISTORICAL BACKGROUND**

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For centuries prior to the intrusion of the white man into the Eastern Cape the Ciskeian people enjoyed their freedom, their land, their traditional society and government. In their own way they were blessed with the essential requirements of life and were content. There are records describing the experiences of shipwrecked Portuguese sailors in the 16th and 17th centuries who were cared for by these people and who passed through this land en route to the Cape of Good Hope; all speak in glowing terms of the warm hospitality and friendliness of the communities who received them and cared for them. While the white man came in peace as a visitor he was well received; when he arrived on the scene in 1772 in the vicinity of the Gamtoos river in the Mossel Bay district bearing arms with the intent of occupying the land, this attitude changed to one of complete hostility and the stage was set for continuous conflict which was to last for more than a hundred years.

There is no doubt that the clash that followed between black and white on the Eastern Frontier greatly influenced the history of South Africa. It fashioned certain attitudes on the part of Boer and Briton towards British colonial authorities and the black man himself. As examples of dogged, tenacious defence and resistance to the invasion of their fatherland, the courageous campaigns waged by the great warrior forefathers for a period of more than a hundred years are without parallel in the annals of history. It was in this theatre of warfare that the leaders and people of the Ciskei gave birth to African nationalism, which is today a force to be reckoned with in the shaping of the future of Southern Africa. For two hundred years the Ciskei has been a symbol in the minds of the African nationalist. It is a spiritual heartland for warriors fighting for freedom and redemption.

It can truly be claimed that the country and the people enjoy a special place in the history of Southern Africa. Donovan Williams said "the confrontation between black and white along the Eastern Frontier of the Cape Colony during the first half of the 19th century was crucial for later relations between the races". After the initial contact between white settlers and blacks on the Gamtoos river in 1772, the white settlers continued pushing eastward and by 1806 had extended the boundary of the Cape Colony to the Great Fish river. Behind their forward line they were busily engaged in occupying and settling into the Zuurveld. In 1811, with superior arms and mounted troops, they succeeded in pushing the great Ndlambe with some 20 000 followers, together with other sterling chiefs such as Ntinde, Dange, Mbalue and Gqunukwebe, across the Great Fish river and so came to occupy the whole of the Zuurveld.

Not content with the huge tract of country already occupied, some eight years later the British administrators of the Cape Colony with paternalistic arrogance declared the heartland of the Ciskei - the land between the Fish and Keiskamma rivers - to be a neutral territory. In other words, they conceded that by their own decree Ciskei would be permitted to continue to live in their own remaining land areas and that this area between the two rivers would be a sort of buffer zone to prevent further conflict and warfare. You can imagine with what dismay the people witnessed the entire occupation of the Zuurveld with the 1820 settlement in Albany of some 6 000 settlers from British Isles. This followed immediately after Makanda's attack on Grahamstown in 1819, seeking to drive out the settlers in the Zuurveld and re-occupy their former lands.

Even so, the colonial administrators were not content with the occupation and settlement of the Zuurveld. In 1817 Lord Charles Somerset finally abandoned the fiction of the 'neutral territory' and permitted further incursions and settlement of colonialists beyond the Great Fish river.

As the consolidation of Albany had been achieved with the introduction of the British Settlers in 1820, so the need to



consolidate the occupation of British Kaffraria lay behind the British Government's decision in 1856 to establish a settlement of German immigrants between the Fish and Keiskamma rivers. Some 4 000 to 5 000 Germans were introduced into the very heartland of the Ciskei in 1857. Prior to this, in 1829, another area of the Ciskei, the Kat river valley, from which Ngqika's right-hand son, the great warrior Chief Maqoma, had been evicted, was handed over to 250 coloured and Khoikhoi families. During the course of a hundred years, notably in 1822, 1854 and 1864, the frontier of white penetration shifted eastward as the whites sought ever more farmland; there is no doubt that the outbreak of wars can be linked to the insatiable desire on the part of the white farmers for more land in the better-watered western areas. After Ntinde, Dange, Mbalue, Gqunukwebe and Ndlambe had been driven eastward over the Fish river, Ngqika's chiefdom was exposed to the frontier and the defence of the remaining Ciskei came to rest on the shoulders of his right-hand son, Maqoma. Maclean describes this great man in these words "by all allowed to be the greatest politician, the best warrior in all Kaffraria in 1835". It was this great chief who came nearest to forming an effective military alliance against the whites but his capture by the British brought an end to his valiant resistance. He was banished to Robben Island by the British administration of the Cape Colony, where he was confined for 17 years and where he died in 1873.

By 1870 the present-day tribes of the Ciskei, alone among the Bantu-speaking people of Southern Africa, had a full century of continuous contact and conflict with the white invaders. They had suffered a series of defeats in which, time after time, their huts were burned, cattle captured and their fields devastated. Successive blocks of land were taken from them and turned into white-occupied farms. Whole communities had been expelled from their homes and shunted about the country. The cattle-killing and national suicide of 1857, which was motivated by their obsession to drive the whites into the sea, had been a shattering blow to them. Poverty had become endemic through the loss of their land and cattle. The only way they had to alleviate the situation was by going out to work for the white man. Thus, a century after they had first begun to interact with the white settlers in the Fish river areas, the Ciskeian were finally conquered. In the process they had lost most of the land they had occupied for centuries, south-east of the Great Fish river.

The prestige of Ciskeian chiefs had been seriously affected by a series of military defeats and the lamentable consequences of the cattle-killing and the national suicide. As a result the colonial magistrates were able to become the effective administrators of the various districts. Having borne the brunt of white pressures and modern influence for so long, the Ciskeians were beginning by the end of the 19th century to adapt to their role as a conquered people. At the time of the annexation of British Kaffraria in 1866, the High Commissioner Sir Phillip Wodehouse, was left in no doubt by the Secretary for the State for the Colonies about the policy he was to follow in

the administration of the Cape Colony. The Secretary of State wrote; "The welfare of our own civilised neighbours and, not least, the welfare of the colonialists require that the Kaffir tribes should no longer be left in possession of the independence they have so long enjoyed and abused". In this manner, the Ciskeians lost the greater part of their land to the white settlers. They fought bitterly to retain it but inequality in arms - most tribesmen fought with spears; all whites with firearms - the fact that the white were mounted whereas the tribes mostly fought on foot, and above all, the power of an organised state as opposed to fragmentary chiefdoms, outweighed superiority of numbers - 12 000 Ciskeian warriors crossed the Fish in 1834, but were defeated within five months. The frontier wars, however, differed from the raids described in oral tradition or early records, in that they were more prolonged and more devastating. The Ciskeians were fighting, not primarily for booty but for survival as an independent people. Such a history of dispossession on the frontier by the settlers, better armed and organised, is not unique; a trail of tears forms part of the history of many nations.

Before leaving the past and turning to the present, reference is made to one recorded interview between the Rev. Samuel Young, a Wesleyan missionary, and Chief Cungwa of the Gqunukwebe, which took place in 1845. The narrative proceeds; "Chief Cungwa called at my residence in Grahamstown to inform me that he wished to have some conversation with me on the subject of war, which was then going on between the British and the Kaffirs. Cungwa commenced by stating that the brothers Pato and Kama and himself greatly lamented the war then going on, but that they had no power to prevent it. I then asked him if he knew anything about it before it broke out and he replied; 'Yes, we were requested by Maqoma and Tyali to join in the war, but we had positively refused.' I then asked him to inform me what the messengers said when they came to request Pato's people to join them. Cungwa then stated that the different chiefs, viz. Maqoma, Tyali, Botman, Eno, Qasana and others, were talking of attacking the colony and that these messengers were particularly sent to inform Pato and his brothers to urge them to assist in the war, stating that they must have the help of the Gqunukwebe tribe. Cungwa then asked them: 'Why do you want to go to war with the English? Is it because they have been into the Kaffir country and taken away the cattle?' Answer: 'No.' 'Is it because of the late misunderstanding which took place with the young officer, Ensign Spargs, and the Kaffirs when he came after colonial cattle?' Answer: 'We were much grieved at that circumstance, but that is not the reason why we wish to go to war.' 'What then is the reason?' 'The great reason is the land (meaning the neutral or Ciskeian territory), for our children have increased and our cattle have increased and we must have the land, as it was formerly our country. We are determined to fight for it sooner than be without it any longer.'"

Although at one time during the governorship of Sir Harry Smith it appeared the sovereignty of the Ciskei might come to be

recognised - when the land between the Fish and the Keiskamma rivers was declared a neutral area and designated first the Province of Queen Adelaide and then British Kaffraria, and reserved exclusively for occupation by the Ciskeian people - this was not to be. Sir George Grey rejected the policy of territorial separation and in his speech opening the session of the Cape Parliament in March 1855 he advocated a paternalistic type of intergration in these words: "I propose we should dismiss from our minds the idea of attempting to establish or maintain a system of frontier policy based upon the idea of retaining a vacant tract of territory intervening between ourselves and the barbarous race beyond it, who are to be left in the existing state without any systematic efforts being made to train and civilise them." Sir George Grey's policy (which British administrators described as benevolent) brought some benefit to the Ciskeians, but effectively subordinated them to the white man and did not prove in the long run to resolve racial conflict, which revived around the parameters of white settlements in the Ciskei during the 1870s and early 1880s, thereby proclaiming the continued strength of the African tribal systems. The wars therefore continued and it was as a result of these wars that the power of the African tribal system was finally broken. Under these circumstances the black man ceased to be militarily dangerous to the whites and it was under these altered circumstances that white men could begin to advocate territorial separation of black and white without fear.

The following quotation from an article by Donovan Williams, entitled "African nationalism in South Africa, origins and problems", concisely summarises the situation: "The eastern frontier and its contiguous areas provide a strong traditional area of Ciskeian resistance and a spiritual home for African nationalists for whom the frontier seems to have acquired a mystical significance. This area had a unique blend of black-white confrontation and interaction involving both missionaries and military which generated certain attitudes among the Ciskeians. These attitudes were sustained with the help of the Christian church and are a powerful underlay to present thinking among African nationalists - a common factor in all these attitudes is the fear of the loss of land - from the time of the acquisition of the ceded territories in 1819 to the Bantu Land Act of 1913. During the last few decades this defensive attitude against further dispossession has given rise to an aggressive demand for possession of all the land."

The Ciskei today continues to make its contribution to the struggle for restitution and freedom in Southern Africa. From its institutes of learning, Lovedale College and the University of Fort Hare, it is providing the nation and other African nations with political leaders raised in a truly spiritual environment. It is through the spirits of the great warriors of the past that Enoch Sontonga was inspired at Lovedale College in 1921 to compose the national anthem of the Ciskei, "Nkosi

Sikelel'1 - Afrika", which means, of course, "God bless Africa". Few, if any, political organisations or people of Southern Africa are aware of the powerful and courageous history of the Ciskeian people. It is well to bear these facts in mind in approaching and promoting a New South Africa.

The Ciskei was formerly divided into 9 regional authority areas namely Herschel, Hewu, Glen Grey, Keiskammahoek, Mdantsane, Middelrift, Peddie, Victoria East and Zwelitsha. The Regional Government in each of these areas was a function of a Regional Authority consisting mainly of Chiefs and the Traditional Councillors. The Ciskeian Territorial Authority was the central authority with little more than advisory powers. The Regional Authorities were never really strengthened into dynamic institutions and were declared defunct by a proclamation dated 30th of November 1968. The assets of these authorities were absorbed into a new territorial authority which was granted more power.

On 1st - August 1972 the Ciskei was constitutionally declared a self governing territory with 20 elected members and 30 Chiefs including the Paramount Chief. This new status constitutionally empowered the Ciskei to make Laws and act executively within a defined field. The Ciskei Government Service and the Ciskei Legislative Assembly were thereupon established and this system of government operated up until independence which was inaugurated on 4th of December 1981. Full description of the Constitutional, Structural and Legislative status of the present Ciskei government was represented to Working Group 4 in a comprehensive memorandum prepared by the Ciskei delegation to Codesa.

#### RE-INCORPORATION

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In proceeding logically towards a program for the possible re-incorporation of the Republic of Ciskei into the Republic of South Africa it has already been agreed that the will of the people will be tested in this regard. Hence in logical progression the first exercise to be undertaken is the holding of a national referandum amongst the Ciskeian people to determine their attitude on this issue. Needless to say the prerequisite for such a referandum will be for the Ciskeian authorities to be placed in a position to describe the constitutional frame-work that will be applicable to the so-called new South Africa. Obviously the people will need to know and understand the constitutional frame-work that will apply to the new South Africa.

It follows that the Working Group 4 will need to maintain a close liaison with Working Group 2 in order to facilitate the process of re-incorporation.

Assuming that the will of the people will have been tested and that the desire of the majority is for re-incorporation it will then be incumbent upon the Governments of the Republic of Ciskei and South Africa to engage in bilateral negotiation on the constitutional arrangements that would be necessary between the two States to proceed to re-incorporation.

Bilateral negotiations and discussions between the Republics of South Africa and Ciskei will need to concentrate on the following key issues.

- a) The nature of the constitutional arrangements between South Africa and Ciskei.
- b) The nature of the constitutional arrangements within Ciskei.
- c) The position regarding rights created under Ciskei legislation which do not exist under South African legislation e.g. more favourable taxes, land ownership and land use, casinos, censorship.
- d) Issues of general interest.
- h) The time frame for re-incorporation, this latter point will be dealt with by Working Group 5.

In regard to (a) above the nature of the constitutional arrangements between South Africa and Ciskei, it will be necessary to examine relevant legislation. In this regard legislation that will need the attention of the Republic of South Africa is as follows:

- A) Status of Ciskei Act, 1981 (Act 110 of 1981).
- B) Financial arrangements with Ciskei Act 1981 (Act 118 of 1981).
- C) Borders of particular States, Extension Act, 1980 (Act 2 of 1980) as amended by Act 25 of 1983.
- D) The Supreme Court Act, 1959 (Act 59 of 1959).
- E) University of Fort Hare Act, 1969 (Act 40 of 1969).

It should be noted that it is not for the Ciskei Department of Justice to suggest what legal procedures or (other procedures for that matter) are to be followed on the South African side for dealing with the financial implications of the Appeal for Amendment of the afore going statutes. The implications are formidable.

Legislation for the attention of the Legislature in the Republic of Ciskei:

- A) Republic of Ciskei Constitution Decree, 1990 (Decree 45 of 1990) as amended by Decree 20 of 1991.
- NB. This decree includes a Bill of Rights
- B) Supreme Court Decree 1990 (Decree 43 of 1990).
- C) Definition of State Liability Decree, 1990 (Decree 34 of 1990).
- D) Administrative Authorities Act, 1984 (Act 37 of 1984).
- NB. Act 37 of 1984 provides for the appointment of chiefs and headmen and their powers and functions. the establishment of tribal and community authorities and chiefs and headmen's courts.
- E) Immigration, and Aliens Act 1988 (Act 9 of 1988).
- F) Ciskeian Citizenship Act 1984 (Act 38 of 1984) as amended by Act 7 of 1987 and 16 of 1988.
- G) Municipal Act, 1987 (Act 17 of 1987).
- H) Public Service Act 1981 (Act 2 of 1981).
  - H a) Police Act of 1983 (Act 32 of 1983);
  - H b) Prison Act 1983 (Act 36 of 1983).
- I) Governments Service Pensions Act, 1989 (Act 4 of 1989).
- J) Black Land Act, 1913 Act 27 of 1913 (See para M below).
- K) Development Trust and Local Act, 1936 (Act 18 of 1936) (See para M below).
- L) Land Regulations Act, 1982 (Act 14 of 1982).
- M) Removal of certain Restrictions Act, 1984 (Act 7 of 1984).
- NB. This Act abolishes racial restrictions in Acts 27 of 1913 and 18 of 1936
- N) Land Use Regulation Act, 1987 (Act 15 of 1987)
  - N a) Land Survey Act, 1988 (Act 22 of 1988)
- O) State Lotteries Act, 1984 (Act 14 of 1984)
- P) Income Tax Act, 1984 (Act 44 of 1984).
- Q) Ciskeian Development Tax Act, 1978 (Act 5 of 1978).

- R) Company Tax Amendment Act, 1984 (Act 16 of 1984).
- S) Licences Act, 1982 (Act 22 of 1982).
  - S a) Liquor Act, 1983 (Act 13 of 1983).
- T) Small Business Deregulation Act, 1984 (Act 27 of 1984)
- U) Private Companies Act, 1985 (Act 36 of 1985).
- V) Diamond Cutting Act, 1985 (Act 9 of 1985).
- W) Copy Right Amendment Act, 1984 (Act 9 of 1984).
- X) University of Fort Hare Act, 1969 (Act 40 of 1969).
- Y) Technical Act, 1984 (Act 15 of 1984).
- Z) Education Act, 1985 (Act 27 of 1985).
- AA) Ciskei Library Services Act, 1980 (Act 19 of 1980).
- BB) Fort Cox College Decree, 1991 (Decree 5 of 1991)
- CC) Ciskeian Apprenticeship Act, 1973 (Act 7 of 1973).
- DD) Workmen Compensation Act, 1982 (Act 11 of 1982).
- EE) Unemployment Insurance Act, 1983 (Act 11 of 1983).
- FF) Manpower Training Act, 1984 (Act 33 of 1984).
- GG) Machinery and Occupational Safety Act, 1984 (Act 35 of 1984).
- HH) Manpower Placement Act, 1987 (Act 19 of 1987).
- II) Wage Act, 1989 (Act 1 of 1989).
- JJ) Labour Relations Decree, 1990 (Decree 15 of 1990).
- KK) Conditions of Employment Regulation Act, 1984 (Act 34 of 1984).
- LL) Ciskei Nursing Association Act, 1978 (Act 7 of 1978).
- MM) Health Act, 1986 (Act 24 of 1986).
- NN) Mental Health Act, 1986 (Act 23 of 1986).
- OO) Health Professions and Related Health Practices Act, 1984 (Act 36 of 1984).
- PP) Nursing Act, 1984 (Act 13 of 1984).

- QQ) Hazardous Substances Act, 1985 (Act 15 of 1985).
- RR) Abortion and Sterilisation Act, 1985 (Act 16 of 1985).
- SS) Exhumation Act, 1982 (Act 10 of 1982).
- TT) Human Tissue Act, 1985 (Act 17 of 1985).
- UU) Historical Monuments Act, 1989 (Act 10 of 1989).
- VV) Multilateral Motor Vehicle Accident Fund Act, 1989 (Act 7 of 1989).

The Republic of Ciskei continues to administer a considerable number of statutes inherited from the Republic of South Africa at the time of independence. Some of these have been amended in part or in their entirety, to keep abreast with developments in the RSA. The following are examples:-

- 1) Administration of the State Act, 1965 (Act 66 of 1965) - several attempts have been made to have the amendments adopted by the legislature, but without success.
- 2) Criminal Procedure Act, 1977 (Act 51 of 1977) this Act, sans the death penalty is virtually up to date.
- 3) Magistrates' Court Act, 1944 (Act 32 of 1944) - proposed amendments have not yet been promulgated. The jurisdiction authorised in the RSA is in excess of the jurisdiction of the Ciskeian Court.
- 4) Deeds Registry Act, 1937 (Applied appropriately to Ciskei), the Deeds Office procedure has been kept up to date to coincide with that in the RSA.
- 5) The Ciskeian Road Traffic Act, 1989 (Act 18 of 1989), this moves the road traffic Act, 1989 of the RSA but without proposed privatisation of vehicle testing stations or examiners for drivers licences.
- 6) Acts relating to Deposit Taking Institutions or Building Societies and other financial Institutions - these are in the process of being substituted by Ciskeian Laws. Virtually identical with their RSA counterparts at present. etc., etc.,.

Many of the foregoing majors have (as in case of the Statutes mentioned in the list for the RSA) formidable financial implications eg., the Public Service Act 1981 and the Police Imprisonment Acts (The Government Service Pensions Act, 1989 with its funds fortunately controlled by Sanlam). The Income Tax Act, 1984 and the Company Tax Amendment Act 1984. There are also a number of Parastatal bodies, eg, the Ciskei Peoples Development Bank - which is a Development Co-operation, an Agricultural Co-operation, a Tourist Organisation etc, etc.



## BILATERAL AGREEMENTS

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At the time of the assumption of independence by the Republic of Ciskei some 81 Bilateral agreements were entered into with the South African Government. These Bilateral Agreements have been listed in the documents submitted to Codesa by the South African Government on 10th of February 1992, the agreements cover all possible aspects of government administration and establish a wide field of Economic and Socio-economic Co-operation.

In the event of an acceptable constitution for a new South Africa being drafted and accepted by Working Group 2 then the Republic of Ciskei will seek to engage in further bilateral negotiation with the South African Government with a view to establishing a further agreement for the re-incorporation of the Republic of Ciskei into the new South Africa. In this event all the 81 mentioned "independence agreements" will need to be reviewed and either abolished or incorporated into national legislature. The 81 Bilateral Agreements are listed on pages 123 through to 154 of the above referenced publication.

## MULTILATERAL AGREEMENTS

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The Republic of Ciskei has engaged in the Multilateral Process in entering into some 15 multilateral agreements with various other Member States of the ECOSA Region. These Multilateral Agreements cover the following fields:-

- A) The establishment of the Development Bank of Southern Africa.
- B) The appointment of a South African Tourism co-ordinator.
- C) A control of pollution of water resources.
- D) The establishment on the Secretariate for the ECOSA Region.
- E) A convention on extraditing the contracting parties RSA, Bophuthatswana, Venda and Ciskei ..... one regional security and co-operation between Transkei and Ciskei.
- F) The Jurisdiction of Municipal Courts over foreign States.
- G) Standards of life-stock and the importation of breeding animals, in Southern Africa between RSA, Venda and Ciskei.
- H) The establishment of a Multilateral Motor Vehicle Accident fund.
- I) Convention on Human Immune Difficiency Virus, and AIDS between all five Member States.

- J) Convention with regard to energy and energy related matters signed by RSA, Transkei, Venda and Ciskei.
- K) Agreement regarding social pension grants and allowances signed by RSA, Transkei, Venda and Ciskei.
- L) Agreements regarding Social Welfare Services between RSA, Transkei, Venda and Ciskei.
- M) Agreement for the avoidance of double taxation, the prevention of physical evasion, the rendering of mutual assistance in-incorporation, the establishment of a transfer system with regard to Value Added Tax.

In dealing with the issues of re-incorporation in respect of the Republic of Ciskei being re-incorporated into the Republic of South Africa it is of considerable merit and interest to record the circumstances pertaining to the interim constitutional development of the Ciskei; as recorded in the Interim report on the Constitutional Development of the Ciskei dated 29th September 1980.

The members of the Committee which produced the report were appointed by the Prime Minister of the Republic of South Africa, viz the Honourable P.W. Botha, and the Honourable Chief L.L.W. Sebe, Chief Minister of Ciskei.

"Confederal Agreement"  
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3.1 The following was recorded in the report.

As was indicated by the Prime Minister in the no-confidence debate in Parliament in 1980 a Confederation of States could be linked by a Council of States. All independent national States would qualify for full membership on a basis of equality.

Consequently the Governments of the Republic of South Africa and Ciskei decided to enter into a Confederal Agreement, the structure of which is to be negotiated concomitantly with the attainment of independence by Ciskei.

Various important matters such as the matter of nationality, citizenship, passport and travel documents which are the subject of investigation by committees or commissions will upon finalisation be incorporated in the confederal agreement.

From this provision it will be realized that the Government of Republic of Ciskei has at all times been consistent in its concept that it has never sought to irrevocably divorce itself from the SA Commonwealth but in its independent status remain firmly associated with the parent South African body.

In other Submissions and Position Papers submitted to Codesa the Ciskei government has clearly defined the basis and preference for its re-incorporation into South Africa.

In this context it has stated its wish that Ciskei should become part of a regional state, province, far greater regional unit within a United Federal State of Southern Africa. Ciskei has long realised its inability to stand economically independent on the basis of its present boundaries and is convinced of the necessity for it to join a greater economic unit.

In the same manner, as previously, where Ciskei was intending that it should take its place in Southern Africa within a Confederal arrangement with other States, Ciskei would wish to see its participation in the future South African dispensation within a regional context and in this respect deal with the various issues relating to harmonization of Legislation and Taxation in a regional context.

Where Ciskeian Legislation has produced rights which do not exist under South African Legislation i.e. in regard to more favourable tax base, the granting of free-hold land ownership and land use, the establishment of casinos etc., Ciskei would wish to see these matters harmonized in the first instance in the context of being part of a greater regional unit. Such an approach would ensure that maximum economic benefits continue to accrue to the regional environment without causing major disruption to the economy of the region and thus lead to a position of destabilisation and loss of confidence.

In proceeding to deal with areas of commonality Ciskei would again promote the concept of a regional approach in dealing with issues relating to the legal system, the public services, language, and the system of public administration and financial management. All of these issues would need to be negotiated and harmonized for maximum regional benefit.

Any legal system adopted would need to cater for existing traditional common law practices which prevail as well as consolidating the existing practice applying in Roman Dutch Law which is presently used in South Africa.

A regional dispensation would also make it possible for official languages to be adopted which would meet the needs of the regional population and in the case of Ciskei within its envisaged region, English and Xhosa would become the official languages.

A regional approach would also cater for the rationalisation of the existing civil services and their utilisation throughout a greater region. In this respect the trained and experienced civil servants of the Independent States would be available for

disbursement throughout a greater region and thus bring immediate benefit and improvement in the administration and services to the community as a whole, without a delay in having to train for the expansion of the civil service.

Other positive implications of Ciskei incorporating into a Federal/Regional model are listed below:

- historical borders are not necessarily entailed or required
- homogeneous population (putting people together who belong to the same region)
- regional structures are to be determined by the national constitution, thus all regional structures will be the same
- all regional governments must have the same powers and functions
- pragmatism is to play a bigger role
- people in general will be more conscious of themselves, the regional economy and issues affecting them more directly
- leadership development and accountability of leaders possible
- offers opportunities to accommodate group diversity not available in a centralised state
- healthy competition with other federal units/regions
- greater scope for self-determination and local decision-making
- the bigger towns/cities would be part of the regional economy, whereas they have been excluded to date
- no regional citizenship will be imposed as all people will probably be South Africans
- availability of "checks and balances" to ensure consensus
- inclusiveness vs exclusiveness
- multi-party democracy and participation of all
- coalitions are possible to strengthen minorities
- immediate needs of communities more likely to be met
- easier to boost nations morale on federal basis

In considering the question of a transitional arrangements during the process of re-incorporation the Republic of Ciskei would wish to remain a sovereign independent state until such time as re-incorporation became clearly identified by was of bilateral agreements and harmonization of legislation. In this manner the Republic of Ciskei would be able to ensure that it played a significant role in the determination of its own future and secured the best possible dispensation for its people.

In regard to the proposals for the establishment of an interim government currently being investigated by Working Group 3, Ciskei would wish to retain its sovereign independent status until such time as it was able to evaluate the nature of the constitutional dispensation proposed for the "new South Africa".

Naturally as is currently the position between South Africa and the TBVC States, it would expect and anticipate, that in matters of economic co-operation and in all other matters addressed by bilateral agreements, that it would be consulted by the interim government of South Africa.

Thus in matters relating to policy issues, economic co-operation, public service administration, constitutional affairs, referendums etc., Ciskei would wish to be consulted.

As has already been identified in the submission an innumerable number of bilateral agreements have been entered into between the present South African government and the government of the Republic of Ciskei. It goes without saying that these bilateral agreements will need to be entrenched into any interim government arrangement entered into by the South African government so as to ensure that the provisions of the agreements are observed and honoured by the interim government. The situation could not be created whereby these bilateral arrangements would simply fall away because of the change of status of the South African government. The government of the Republic of Ciskei has taken note of the assurances given by the State President, the Honourable F.W. De Klerk that all existing agreements, treaties arrangements etc., will be honoured in full.

Other issues which will also required to be addressed by the government of the Republic of South Africa prior to the inauguration of a sharing of power in an interim arrangement will be as follows:

- a) The entrenchment of the existing financial arrangements whereby South Africa provides financial aid to the Republic of Ciskei and through the Joint Financial Arrangements Committee has assumed responsibility for the Ciskei National Debt and has undertaken to provide a Annual Bank Guarantee for overdraft facilities.
- b) Maintain the operation and allocation of the Revenue-Resources arising out of the Common Customs Union for Southern Africa.
- c) Conclude all outstanding land issues relating to compensatory land to the Ciskei government and to identified communities.
- d) An exhaustive study will need to be made of all existing Bilateral Agreements so as to ensure that none of the provisions of these agreements are overlooked and fall into disrepute following the change in status of the existing South African government.

## POLITICAL ISSUES

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1. Whatever political and/or constitutional model is to be decided upon for the future, this model should guarantee a peaceful resolution to the multifaceted problems left to us by decades of apartheid. The highly centralised political system of the past makes it difficult for communities to adopt a system of decision-making at community level.
2. The Constitution of the new negotiated Southern Africa should bear clauses to prevent the abuse of state power. The Ciskei is not interested in joining South Africa if it is going to be a unitary state with a highly centralised government on all spheres. A large bureaucracy is not a guarantee for sound administration and a good effective government.
3. The implication of reincorporation concerning the lives of the ordinary Ciskeian should be considered. The people expect a system whereby they have a direct input in issues affecting their daily lives. Government by discussion and consent is thus to be considered as a priority.
4. People (Ciskeians) have over the years developed a natural opposition to a system where they have no influence on decision making and the process of government. They also expect a sound administration and an efficient government.
5. Resolving differences between potential hostile organisations should be a priority of this region as these ongoing differences might implicate a situation of winner-takes-all rather than that of cooperation, consensus and competition.
6. The incorporation of Ciskei is subject to the fact that the importance of a participatory model of democracy is not just that it gives us an alternative way of understanding democratic life, but also that it provides us an alternative model of nation-building under conditions of multi-ethnic and religious diversity. If the above is not guaranteed, the Ciskei has no reason to re-incorporate, as there is no nation-building and an understanding of democracy.
7. For many years, under apartheid, leaders were not always made accountable for decisions and actions. People should be given the opportunity after re-incorporation, on a regular basis, of a referendum on certain issues to ensure that not only the leaders, but also the people at large are made accountable for the execution of their daily lives.
8. The consequences of different policies should be taken into account as no policy can guarantee a success. Policies referred to are merely economic and social development policies; those which affect our lives on a daily basis.

9. When democracy is generally discussed by people, they understand the following:-

- freedom of religion, assembly and denomination
- freedom of speech and expression
- freedom of movement
- freedom of political activity
- right to vote
- free market economy and private ownership

If the above is not guaranteed in the constitution or in a Bill of Human Rights, then the implication might be that people will systematically object to the system and demand these rights. Therefore, neither Ciskei nor its people are interested in settling for less than the above.

10. There is no need for the Ciskei and/or any CODESA delegate to reinvent the wheel. We only have to make it more perfect. People at large need to know and to be informed about issues affecting them, even now during this transitional process. Democracy is the ultimate, and the smaller the unit of government and the more restricted and functions assigned to government, the less likely it is that its actions will reflect special interest rather than the general interest. Spending of government has thus to be reduced in order to survive.

11. Ciskei has opted for a federal constitutional model. Therefore, each regional government should have a clearly defined and sensible demarcated geographic area. The power of the state should thus be distributed vertically, in a practical manner between the various levels of government, without culminating in the weak or fragmented exercise of power. The above implicates a sound research to be done on the geographic boundaries and economic viability of each region.

12. The implications of democracy and its contribution towards this region can never be overlooked. The more people are allowed to vote, after re-incorporation, the better. Direct democracy reflects public opinion, ensures that elected leaders remain accountable and it reduces the importance of party politics, to which most people have become used. This should also avoid polarisation, conflict and violence. If party politics is pressed too hard then a "winner-takes-all" situation develops. Under direct democracy, where people vote on a regular basis, losing party members can still share in decision-making. By implication everybody participates in deciding on issues affecting their lives.

13. Direct democracy also has implications such that some people believe that power is transferred from the educated to the ignorant. Some people also believe that democracy favours the elite and the Black South Africans lack the knowledge and experience to participate. However, these are misguided perceptions.

14. The negative implications of Ciskei, incorporating into a unitary state with a highly centralised government, could be the following:-

- domination of minority groups is possible
- access to government and government privileges is very difficult, especially in rural areas
- alienation between government and individuals could develop
- the potential for corruption, bureaucracy, inefficiency and nepotism is increased
- concentration of power might lead to abuse of power
- discrimination on basis of race, colour, creed and class is not excluded
- minority groups might be excluded from participation, leading to confrontation and violence.

18 March 1992