



INYANDZA NATIONAL MOVEMENT

SUBMISSIONS BY DELEGATES OF THE INM
TO WORKING GROUP 4 OF CODESA ON
"THE FUTURE OF THE TBVC STATES

INTRODUCTION

WE HAVE NEVER BEEN DOUBTFUL ON OUR CONVICTION FOR A UNITARY,
DEMOCRATIC, NON-RACIAL AND NON-SEXIST SOUTH AFRICA.

THE VERWOERDIAN PLOY TO IMPOSE TRIBALISM AND ETHNICITY WAS
BOUND TO FAIL AND IT HAS FAILED. THIS NAKED FORM OF RACISM
HAS DELIVERED UNTOLD SUFFERINGS UPON THE OPPRESSED PEOPLE OF
SOUTH AFRICA, CHARACTERISED BY THE HIGH RATE OF UNEMPLOYMENT
AND THE HIGH INFANT MORTALITY RATE.

THE CREATION OF HOMELANDS WAS INDEED THE ESTABLISHMENT OF
PILLARS OF GRAND APARTHEID. CODESA CANNOT BE TAKEN
SERIOUSLY BY THE GREAT MAJORITY OF OUR PEOPLE IF IT SEEKS TO
CREATE A NEW DEMOCRATIC ORDER AND DISMANTLE APARTHEID WHILE
LEAVING THESE PILLARS OF APARTHEID IN PLACE.

SINCE THEIR ESTABLISHMENT THE TBVC STATES HAVE FAILED TO WIN
THE RESPECT AND RECOGNITION OF THEIR INHABITANTS, THE
MAJORITY OF SOUTH AFRICANS AND THE INTERNATIONAL COMMUNITY.
THE POSITION OF THE INM IS THAT THE RE-INCORPORATION OF THE
TBVC STATES INTO SOUTH AFRICA IS AN INEXTRICABLE PART OF A
GENUINE PROCESS OF DISMANTLING APARTHEID AND ESTABLISHING A
DEMOCRATIC ORDER WHICH WE BELIEVE THE CONVENTION FOR A
DEMOCRATIC SOUTH AFRICA IS ALL ABOUT.

SUBMISSIONS

1.1 RECOGNISING THE FACT THAT THE QUESTION OF THE FUTURE OF TSVC STATES IS ONE ON WHICH THE TSVC STATES MORE THAN ANY OTHER PARTY NEED TO BE HEARD; AND

ASSERTING ITS ROLE AND RESPONSIBILITY AS A DELEGATE MEMBER TO THE PLENARY SESSIONS OF CODESA AND AS A PARTICIPANT IN WORKING GROUP FOUR TO CONTRIBUTE TO DELIBERATIONS REGARDING THE CONSTITUTIONAL FUTURE OF THE TSVC STATES;

THE INM WISHES TO MAKE THE FOLLOWING SUBMISSIONS WITH REGARD TO EACH OF THE SPECIFIC TERMS OF REFERENCE OF WORKING GROUP 4. IN SO FAR AS IT IS POSSIBLE THE SPECIFIC ITEMS IN THE TERMS OF REFERENCE ARE HEREIN TREATED IN THE ORDER IN WHICH THEY APPEAR IN THE TERMS AND WITH RETENTION OF THE NUMBERING SYSTEM ADOPTED IN THE TERMS OF REFERENCE.

1.1.1 RELATIONSHIP BETWEEN NEW SOUTH AFRICA, THE TSVC STATES AND PEOPLE

EVERY PILLAR OF APARTHEID MUST BE BROUGHT DOWN IN ORDER TO GIVE WAY TO THE ESTABLISHMENT OF A DEMOCRATIC ORDER IN SOUTH AFRICA. TO BE FRANK THE TSVC STATES, JUST LIKE THE SELF-GOVERNING NATIONAL STATES, ARE NOTHING ELSE BUT CREATIONS AND PILLARS OF APARTHEID. THEY SHOULD, THEREFORE, BE RE-INCORPORATED INTO SOUTH AFRICA UNDER A NEW CONSTITUTION. THIS IS NECESSARY IN ORDER TO ESTABLISH THE UNITARY STATE WHICH IS ASPIRED FOR BY SO MANY AND WHICH EXISTED PRIOR TO THE INTRODUCTION OF THE BANTU AUTHORITY ACT.

ALL THE PEOPLE WHO WERE IDENTIFIED AS CITIZENS OF THESE TERRITORIES AND THEREFORE LOST THEIR SOUTH AFRICAN CITIZENSHIP THROUGH A PROCESS WHICH, AS WE KNOW, NEITHER RESPECTED ANY BIRTH RIGHT, NOR DID IT DEPEND ON THE EXISTENCE EVER OF ANY PHYSICAL CONTACT WITH A PARTICULAR TERRITORY. SHOULD HAVE THEIR FULL SOUTH AFRICAN CITIZENSHIP RESTORED TO THEM. EVERY OTHER PERSON WHO BECAME A CITIZEN OF A TBVC STATE BY BIRTH THEREAFTER SHOULD BECOME A FULL CITIZEN OF A NEW SOUTH AFRICA. INDEED THERE SHOULD BE NOTHING LIKE TBVC STATES REMAINING AFTER RE-INCORPORATION AND THE HOMELANDS CITIZENSHIP ACT WITH ALL ATTENDANT AND SUCCESSIVE LEGISLATION BOTH IN THE TBVC STATES AND IN SOUTH AFRICA SHOULD BE REPEALED.

IF ANY SUBDIVISION OF THE COUNTRY IS TO BE CONSIDERED IT SHOULD BE IN ORDER TO CREATE ECONOMIC DEVELOPMENT REGIONS AND TO FACILITATE REGIONAL AND LOCAL ADMINISTRATION UNDER COMMON CENTRAL CONTROL. THERE SHOULD BE NO RACE OR ETHNIC BASED SUBDIVISION ACCOMMODATED.

1.1.2 KEY ISSUES AND PROBLEMS

IF RE-INCORPORATION IS TAKEN AS GIVEN, THE KEY ISSUE TO BE ADDRESSED REMAINS TRANSITIONAL ARRANGEMENTS WHICH WILL TAKE INTO COGNIZANCE THE NEED FOR EFFICIENT ADMINISTRATION DURING THE TRANSITIONAL PERIOD WHICH WILL ENSURE ORDERLY RE-INCORPORATION OF TBVC STATES.

IN ADDITION TO THE HISTORIC ROOTAGE IN APARTHEID THINKING PROBLEMS OF LACK OF RECOGNITION THE FOLLOWING PROBLEMS ARE IDENTIFIABLE IN THE TBVC STATES:

- (a) LIKE THEIR IDIOLOGICAL PARENT WHICH IS APARTHEID SOUTH AFRICA, AND PERHAPS IN AN EVEN PERFECTED MANNER, THEY MOSTLY LACK RESPECT FOR BASIC HUMAN RIGHTS;
- (b) THEY HAVE NO VIABLE ECONOMIC BASE AND ARE TO THIS DAY STILL LARGELY DEPENDENT SOUTH AFRICA;
- (c) MOST OF THEM ARE CHARACTERISED BY THE EXISTENCE OF VIOLENCE AND DESTABILISATION WHICH RESULTED IN DISRUPTION OF NORMAL LIFE OF THE PEOPLE;
- (d) ABOVE ALL THEY ARE, IN ANY EVENT, ALL CONSTITUTIONALLY UNSTABLE WHICH INSTABILITY IS TYPIFIED BY THE FACT THAT GOVERNMENTS IN THREE OUT OF THE FOUR HAVE SUFFERED SUCCESSFUL OVERTHROW BY COUP D'E TATS AND THE OTHER HAS SURVIVED ONE BY MERCY OF THE IDEOLOGICAL PARENT.

1.1.3 AREAS OF COMMONALITY AND AGREEMENT BETWEEN PARTICIPATING DELEGATIONS

WITH THE POSSIBLE EXCLUSION OF BOPHUTHATSWANA, THERE APPEARS TO BE COMMON COURSE AND INDEED AGREEMENT AMONGST VARIOUS DELEGATES TO THE CONFERENCE AT THIS STAGE, AS EMBODIED AND EXPRESSED IN THE DECLARATION OF INTENT, THAT THE NEW SOUTH AFRICA THAT CODESA SHALL GIVE BIRTH TO, SHALL BE "UNDIVIDED" OR "UNITED", "DEMOCRATIC", "NON-RACIAL " AND "NON-SEXIST" STATE WITH ONE NATION SHARING COMMON CITIZENSHIP. IN OUR UNDERSTANDING THE COMMONALITY AND BASIC AGREEMENT EXPRESSED IN THESE CONCEPTS IS OPPOSED TO EVERYTHING THAT THE CREATION OF THE TBVC STATES STOOD ON AND, THEREFORE, TO THE CONTINUED EXISTENCE OF ANY ONE OF THEM IN THE ENVISAGED NEW SOUTH AFRICA.

1.1.4

(a) MANNER OF EFFECTING CHANGES TO CONSTITUTIONAL STATUS OF TBVC STATES THROUGH CODESA

THE ABOVE QUESTION BASICALLY ENTAILS LEGAL AND CONSTITUTIONAL MODUS OPERANDI IN CHANGING THE PRESENT STATUS OF THE TBVC STATES. PRESUMABLE FROM "INDEPENDENT STATES" TO A STATUS WHERE THEY WOULD BECOME AN INTEGRAL PART OF THE REPUBLIC OF SOUTH AFRICA. WE WILL NEVERTHELESS ENDEAVOUR TO SPELL OUT OUR VISION, ALBEIT WITH LIMITED EXPERTISE, IN THIS REGARD.

IT IS DIFFICULT TO CONCEIVE HOW CODESA CAN WITHIN ITS PRESENT FRAMEWORK DIRECTLY EFFECT CHANGES TO THE CONSTITUTIONAL STATUS OF ANY TBVC STATE WITHOUT ITS AGREEMENTS BEING CLOTHED WITH STATUTORY FORCE OF BOTH THE TBVC STATE AND PARLIAMENT OF THE RSA. IF ITS AGREEMENTS HAD STATUTORY POWER, CODESA COULD BY AGREEMENTS, RESOLUTIONS OR ENACTMENTS PASSED IN ITS SESSIONS CHANGE THE STATUS OF ITS DELEGATE WHO ARE MEMBERS OF THE TBVC STATES.

UNDER THE PRESENT FRAMEWORK OF ITS POWER CODESA MAY PASS RESOLUTIONS OR CONCLUDE AGREEMENTS TOUCHING ON THE CONSTITUTIONAL STATUS OF A TBVC STATE BEING A PARTICIPATING DELEGATE. SUCH RESOLUTION OR AGREEMENT WOULD THEN HAVE THE FORCE OF A RECOMMENDATION TO THE LEGISLATIVE AUTHORITY OF THE PARTICIPATING TBVC STATE AND THE RSA. IT WOULD BE HELPFUL IF THE PARTICIPATING TBVC STATE MEMBERS AND THE GOVERNMENT OF THE RSA AND THE NP AGREED AND BOUND THEMSELVES IN ADVANCE TO INTRODUCE, SUPPORT AND PASS IN THEIR RESPECTIVE LEGISLATIVE JURISDICTIONS ANY LEGISLATION THAT MAY BECOME NECESSARY TO GIVE EFFECT TO THE DECISIONS TAKEN AT CODESA. LEGISLATION WILL THEN HAVE TO BE PASSED BY PARLIAMENT IN RSA REPEALING THE ACT OR LEGISLATION WHICH GAVE BIRTH TO A TBVC STATE AND BY THE TBVC STATE REPEALING ITS CONSTITUTION. THE RESULT WOULD BE RESTORATION OF

CONSTITUTIONAL STATUS AS BEFORE INDEPENDENCE AND THEREFORE RE-INCORPORATION OF THE TBVC STATE. ALTERNATIVELY THE LEGISLATIVE BODIES IN BOTH THE TBVC STATE AND THE RSA COULD PASS RE-INCORPORATION LEGISLATIONS AT THE SAME TIME.

(b) DESIRABILITY OF RE-INCORPORATION

FOR REASONS ALREADY MENTIONED ABOVE IT IS DESIRABLE THAT THE TBVC STATES BE RE-INCORPORATED INTO THE NEW SOUTH AFRICA. THE TESTING OF THE WILL OF THE AFFECTED PEOPLE IN THE MANNER DEALT WITH IN THE NEXT PARAGRAPH SHOULD PROVIDE AN EXCELLENT OPPORTUNITY TO ASSURE CODESA THAT IT MOVES ALONG WITH THE WILL OF THE PEOPLE.

(c) TESTING THE WILL OF THE PEOPLE

THE WILL OF THE PEOPLE CONCERNED SHOULD BE TESTED BY ACCEPTABLE DEMOCRATIC MEANS TO ESTABLISH THEIR ATTITUDE TOWARDS THE RE-INCORPORATION OF THE RESPECTIVE TBVC STATES. THE IDEAL METHOD FOR SUCH A DETERMINATION WOULD BE A REFERENDUM CONDUCTED IN A CLIMATE CONDUCIVE TO FREE POLITICAL ACTIVITY.

THE PEOPLE WHOSE ATTITUDE IS TO BE TESTED IN THIS MANNER SHOULD NOT BE RESTRICTED TO THOSE PHYSICALLY LIVING IN THE TBVC STATE CONCERNED. THE REFERENDUM SHOULD BE EXTENDED TO EVEN THOSE PEOPLE WHO LIVE OUTSIDE THE TBVC STATES BUT WHO ARE BY LAW REGARDED AS CITIZENS OF A PARTICULAR TBVC STATE WHETHER OR NOT THEY HAVE PREVIOUSLY TAKEN PART IN THE ELECTIONS OF THE TBVC STATE CONCERNED.

MOST PEOPLE WHO ARE REGARDED AS CITIZENS OF TBVC STATES NEVER TOOK PART IN ELECTION PROCESSES IN SUCH STATES EITHER BECAUSE THEY DID NOT FIND IN THE TBVC STATES SUFFICIENT CREDIBILITY TO MAKE PARTICIPATION WORTHWHILE, OR BECAUSE THEY SIMPLY DID NOT WANT TO BE ASSOCIATED WITH THE TBVC STATE GOVERNMENTS NO MATTER WHAT THE APARTHEID LEGISLATION PROCLAIMED ABOUT THEM, OR WERE INTIMIDATED. IT IS THEREFORE IMPORTANT THAT THE REFERENDUM BE CONDUCTED BY EITHER CODESA OR BY AN INDEPENDENT ACCREDITED AGENCY AT THE INSTANCE OF AND RESPONSIBLE TO CODESA. GOVERNMENTAL AUTHORITIES OF THE TBVC STATES WILL THEMSELVES NOT BE SUITABLE FOR THE TASK. THE CREATION OF A CLIMATE FOR FREE POLITICAL ACTIVITY MUST ALSO BE SUPERVISED BY THE AGENCY OR AUTHORITY CHARGED WITH THE TASK OF CONDUCTING THE REFERENDUM.

(d) KEEPING THE PEOPLE OF THE TBVC STATES INFORMED

LACK -OF PROPER AND FULL INFORMATION TO THE PEOPLE IN (AND EVEN OUTSIDE) THE TBVC STATES NOW AND THROUGHOUT CODESA CAN BE AS UNFORTUNATE A SOURCE OF MISUNDERSTANDING AS CAN BE DISASTROUS. IN THE TBVC STATES THE DISSEMINATION OF SUCH INFORMATION OUGHT NOT TO BE LEFT ENTIRELY TO THE "STATE" CONCERNED FOR SEVERAL OBVIOUS REASONS INCLUDING LACK OF CREDIBILITY. IF MEDIA IS TO PLAY A ROLE IN KEEPING THE PEOPLE INFORMED THE MEDIA USED MUST BE INDEPENDENT AND NEUTRAL. FURTHERMORE THE PEOPLE MUST BE ALLOWED FREE SPEECH AND FREE POLITICAL ACTIVITY.

(e) RETENTION OF BUSINESS CONFIDENCE

TRANSITIONAL ARRANGEMENTS SHOULD INCLUDE PROTECTION OF EXISTING INVESTMENTS AND PERSONAL ASSETS IN ORDER TO BUILD CONFIDENCE IN FUTURE INVESTMENT. AS THE CONTINUITY OF THE FLOW OF INVESTMENTS INTO THE AREAS WILL BE CRITICAL FOR THE ECONOMIC SURVIVAL OF THESE REGIONS INVESTIGATION SHOULD BE CONDUCTED INTO OTHER MEASURES THAT COULD ENCOURAGE AND PROMOTE INVESTMENTS.

(e) LAND TRANSFERS BY SOUTH AFRICA

IT WOULD MAKE NO SENSE FOR THE REPUBLIC OF SOUTH AFRICA TO TRANSFER FURTHER LAND TO THESE AREAS FROM NOW ONWARDS IF THE AREAS ARE THEMSELVES EARMARKED FOR FUTURE RE-INCORPORATION INTO SOUTH AFRICA. INDEED SUCH TRANSFERS COULD BE COUNTER PRODUCTIVE AND CONTRADICTIONARY TO THE PROCESS OF RE-INCORPORATION AND SHOULD ACCORDINGLY BE HALTED.

(f) CITIZENSHIP

THERE SHOULD BE ONE CITIZENSHIP FOR A UNITARY SOUTH AFRICA WITH COMMON LOYALTY AND VOTING SYSTEM UNDER A COMMON VOTERS' ROLL. WE REGARD THIS AS AN ASPECT ON WHICH THERE ALREADY EXIST COMMONALITY AND AGREEMENT AND MAKE NO FURTHER COMMENT.

(g) OTHER MATTERS

WE HAVE NOTED THAT THE POSITION OF NON-INDEPENDENT OR SELF-GOVERNING NATIONAL STATES IS NOT PLACED UNDER ANY PARTICULAR WORKING GROUP AND TAKE THE OPPORTUNITY TO RECORD OUR VIEW HERE THAT THE MEASURES AND ARRANGEMENTS PROPOSED HEREIN FOR THE TBVC STATES SHOULD ALSO APPLY TO THEM WITH NECESSARY MODIFICATIONS. FURTHERMORE PROGRAMMES SHOULD BE INVESTIGATED TO REDRESS IMBALANCES CREATED BY APARTHEID POLICIES IN THE TBVC STATES AND SELF GOVERNING NATIONAL STATES.

1.1.5 PROPOSALS FOR RE-INCORPORATION

SPECIFIC ~~PROPOSALS~~ PROPOSALS HAVE ALREADY BEEN ADDRESSED ABOVE MOTIVATING RE-INCORPORATION AND THE MANNER IN WHICH SAME COULD BE IMPLEMENTED. WITH REGARD TO ITEM 1.1.5 IN THE TERMS OF REFERENCE THE FOLLOWING PROPOSALS ARE BEING MADE IN REGARD TO RE-INCORPORATION. WE ARE ALIVE TO THE POSSIBILITY OF REPETITION BUT DEEM IT NECESSARY THAT WE RESPOND SERIATIM TO EVERY SUB-ITEM TO ITEM 1.1.5 AND NOT LEAVE OUR POSITION TO BE INFERRED FROM WHAT WE MAY HAVE SAID ELSEWHERE ABOVE.

- (a) THIS HAS BEEN DEALT WITH FULLY ABOVE.
- (b) BROADLY STATED THE SAME TRANSITIONAL ARRANGEMENTS WHICH ARE TO BE MADE FOR THE REPUBLIC OF SOUTH AFRICA SHOULD BE APPLIED AS FAR AS POSSIBLE. FOR INSTANCE IF THERE IS AGREEMENT ON THE INTERIM GOVERNMENT FOR SOUTH AFRICA IT WOULD BE APPROPRIATE THAT THE TBVC STATES ALSO BE PLACED UNDER SOME TRANSITIONAL ARRANGEMENTS WITH CENTRAL AUTHORITY DEVOLVING FROM ONE INTERIM GOVERNMENT. SPECIFIC TRANSITIONAL MEASURES FOR THE TBVC STATES WOULD INCLUDE:
 - LIFTING STATE OF EMERGENCY WHERE SAME IS IN PLACE;
 - FREEZING OPERATIONS OF SECURITY FORCES IN THESE AREAS;
 - GRADUAL DISBANDING OF NATIONAL STATE ARMIES AND PREPARATION FOR THEIR EVENTUAL INTERGRATION INTO AN ALL SA ARMY;
 - RE-INCORPORATE THE POLICE FORCES.

- (c) THE SAME TIME FRAME WHICH WILL APPLY IN SOUTH AFRICA SHOULD ALSO APPLY TO TBVC STATES:
- (d) ASSETS OF RE-INCDORPORATED TBVC STATES WHICH WERE OWNED BY THE STATES THEMSELVES SHOULD REVERT IN OWNERSHIP TO SOUTH AFRICA AND BE UTILIZED BY BOTH TRANSITIONAL AND THE FUTURE GOVERNMENT;
- (e) EXISTING INFRASTRUCTURE SHOULD BE USED FOR THE BENEFIT OF THE LOCAL POPULATION;
- (f) NEW DEVELOPMENT PROJECTS SHOULD BE REVIEWED IN THE CONTEXT OF A UNIFIED SOUTH AFRICA BUT WHEREVER POSSIBLE PRIORITY DEVELOPMENT PROJECTS ALREADY UNDER WAY SHOULD BE ALLOWED TO CONTINUE WITHOUT INTERRUPTION;
- (g) EFFICIENT AND ACCOUNTABLE LOCAL ADMINISTRATION SHOULD BE ENSURED DURING THE TRANSITION AND UNDER THE SUPERVISION OF AN INTERIM NATIONAL GOVERNMENT; PUBLIC FUNDS RUNNING THESE STATES SHOULD IN PARTICULAR BE STRICTLY MONITORED DURING THE INTERIM PERIOD;
- (h) TRANSITIONAL AND FUTURE GOVERNMENT SHOULD MAINTAIN THE SMOOTH RENDERING OF SERVICES. IT IS IMPORTANT THAT STUDIES BE CONDUCTED UNDER THE AUSPICES OF CODESA THAT WILL LEAD TO THE FORMULATION OF APPROPRIATE NATIONAL MEASURES AND STEPS THAT HAVE TO BE TAKEN TO ENSURE THAT

IN THE PROCESS OF RE-INCORPORATION OF A TBVC STATE, INTERRUPTION OR DISRUPTION IN ADMINISTRATION AND THE RENDERING OF SERVICES AND IN THE DAILY LIVES OF PEOPLE IN THE AFFECTED AREAS ARE REDUCED TO THE ABSOLUTE MINIMUM.

- (i) CIVIL SERVICES SHOULD NOT BE INTERRUPTED AND TRANSITIONAL AND FUTURE GOVERNMENT SHOULD PROTECT AND HONOUR LEGITIMATE EXISTING AND FUTURE PENSIONS, SUBSIDY SCHEMES AND OTHER CIVIL SERVICE BENEFITS;
- (j) TBVC TERRITORIES WILL HAVE TO FORM PART OF EXISTING OR ANY FUTURE PROVINCES, OR OTHER REGIONAL OR LOCAL RESTRUCTURING AFTER RE-INCORPORATION AND SHOULD NOT BE SUBJECT TO ANY SPECIAL AUTHORITY AS FORMER TBVC STATES TO ENSURE THEIR EFFECTIVE RE-INCORPORATION.
- (k) THE GOVERNMENT ELECTED BY THE WILL OF THE MAJORITY SHOULD DETERMINE THE SYSTEM OF TAXATION AND LEGISLATION.
- (l) BILATERAL AND MULTILATERAL AGREEMENTS AND TREATIES SHOULD BE EVALUATED AND WHERE POSSIBLE HONOURED. IF TERMINATION BECOME INEVITABLE SUCH SHALL BE EFFECTED IN AN ORDERLY FASHION WITH DUE REGARD TO INTERNATIONALLY ACCEPTABLE STATE PRACTICES.

- (m) ALL BONA FIDE FOREIGN AND LOCAL DEBTS OF TBVC STATES SHOULD BE HONOURED.

- (n) THE NATIONAL INTERIM GOVERNMENT SHOULD INTRODUCE MEASURES TO ENSURE PUBLIC ACCOUNTABILITY OF ACTIONS FOR THE PURPOSE OF RE-INCORPORATION.

- (o) THIS ITEM HAS ALREADY BEEN ADDRESSED ABOVE.

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