

90. Mr David Guise, Submission based on the book "Freedom for all" (2 July 1993).
91. "Prokureurs van Vryburg, Memorandum met betrekking tot die posisie van Vryburg" (1 Julie 1993).
92. Prof P Roelf Botha (5 July 1993).
93. ENAPAT.
94. Council for the Environment.
95. "Streeksontwikkelings-Advieskomitee vir Streek B", July 1993.
96. Eskom submission to the Commission on the Demarcation of Government Regions (5 July 1993).
97. Vincent Leggo Associates - Definition of boundaries: Primary Local Authorities within the Western Corridor of the Durban Functional Region (DFR).
98. Streekindeling: George, Sedgefield, Knysna en Plettenbergbaai.
99. United Federal Party (UPF) proposal regarding the establishment of the Boerestaat (14 June 1993).
100. Border Business Action Committee, East London - Creation of Border Kei Region.
101. The Law of Society of the Cape of Good Hope (29 June 1993).
102. Proposal for determination of the boundaries of the Bot River Valley.
103. The Satswa initiative: The current status, 1993.
104. The Town Council of Randfontein, the Local Area Committee of Hillside and the Local area Committee of Dwarskloof/Brandvlei.
105. Republic of Ciskei - Proposal for a Kei State and Supplementary submission.
106. Border Kei Development Forum (29 June 1993).
107. African National Congress - The delimitation of regions.
108. Algoa RSC - Demarcation of a region for the Eastern Cape (30 June 1993).
109. Afrikaner-Volksunie.
110. Bophuthatswana Government (2 July 1993).
111. Prof PF vd Schyff - Potchefstroom University (2 July 1993).
112. Development Bank of Southern Africa (June 1993).
113. West Rand Regional Services Council.

114. National Electrification Forum - The rationalisation of the electricity supply industry structure and regulation as determinant for the powers, functions and boundries of future Governmental Regions (5 July 1993).
115. Kimberley Afrikaanse Sakekamer (8 July 1993).
116. City Council of Klerksdorp - "Posisionering van Klerksdorp in 'n toekomsgerigte streekregering" (30 June 1993).
117. RSA Government - Boundries for regions to establish Regional Government in SA (July 1993)
118. City Council of Pretoria; Town Councils of Akasia, Brits, Bronkhorstspuit, Hartbeespoort, Midrand, Verwoerdburg and Pretoria Regional Services Council - Regional Government for South Africa: Motivation report on the creation of an autonomous region for the greater Pretoria area together with the Eastern Transvaal (Development Region F) (5 July 1993).
119. The Afrikaner Freedom Foundation.
120. IDASA - Transvaal Office, Demarcation of Regions - Options for the Northern Transvaal (B de Villiers & R Humphries).
121. Afrikaner Volksfront - A border negotiation process to minimise conflict and optimise economic interaction (Two submissions).
122. Regional Development Advisory Committee A (5 July 1993).
123. "Noordweste Streeksdiensteraad - Voorgestelde grense: Noordweste".
124. Democratic Party submission to the Commission on the Demarcation/Delimitation of Regions.
125. "Noordweste Leiersforum - Voorgestelde grense - Noordweste."
126. "Namakwalandse Streekontwikkelingsvereniging".
127. Namaqualand Regional Services Council (1 July 1993).
128. "Noordweste Toerisme Vereniging - Voorgestelde Grense: Noordweste".
129. Calvinia Municipality, "Memorandum in sake die skepping van 'n Noordweste-streek en die vasstelling van die grense daarvan".
130. "Bestuurskomitees van Carnarvon en Van Wyksvlei".
131. "Noordweste-Kaaplandse Ontwikkelingsvereniging" (1 July 1993).
132. MS vd Spuy and DE Smit, Vredendal.
133. "Calvinia Landelike Raad - Voorgestelde grense: Noordweste" (2 July 1993).

134. "Distriksrade van die Nasionale Party van Carnarvon, Van Wyksvlei, Fraserburg, Williston, Sutherland, Brandvlei, Calvinia en Loeriesfontein".
135. Municipality of Loeriesfontein.
136. "Loeriesfontein Boere-Unie".
137. "Fraserburg - Munisipale Raad, Bestuurskomitee van Ammerville en Sakekamer".
138. Ximoko Progressive Party - Inputs on Regional Delimitation with special reference to Region G (7 July 1993).
139. Democratic Party - East Cape Region.
140. Municipality of Plettenberg Bay.
141. Midland Chamber of Industries - Regional Demarcation: Eastern Cape (5 July 1993).
142. Venterstad - Inclusion of Venterstad into OFS.
143. East Cape Agriculture Union (5 July 1993).
144. Drakensberg Regional Services Council - Inclusion of the Drakensberg RSC with the OFS.
145. City of Grahamstown (8 July 1993).
146. Municipality of Oudtshoorn (8 July 1993).
147. Presentation by the Regional Convention of the Vaal Triangle.
148. Chief Pupsey Sebogadi, Braklaagte (8 July 1993).
149. JHB Consolidated Investment Company - Demarcation of Regions: West Rand.
150. Input regarding Midrand.
151. Bushveld Development Forum (8 July 1993).
152. Mr Peter Hancock - Planning a new capital for SA.
153. "OVS Provinsiale Administrasie - 'n Grondwetlike Streekbedeling - 'n OVS perspektief."
154. "Sasol 1 - Plasing van Sasolburg in 'n nuwe Streekbedeling."
155. "NOVS RSC - OVS Provinsie - Perspektiewe."
156. Port Natal/Ebhodwe, Joint Services Board - Demarcation Region E.
157. Kempton Park Town Council, 30 June 1993
158. Outonome Suid-Kaap Aksie, 1 Junie 1993

159. CG Smith Sugar Limited (29 June 1993).
160. Hoekwil Local Council (30 June 1993).
161. National Liberation Front - Sovereign Coloured State.
162. "Kaapstad Sakekamer" (5 Julie 1993).
163. "Munisipaliteit Carnarvon - Streekgrense: Noordweste" (5 July 1993).
164. Masinusane Town Council (5 July 1993).
165. Port Edward Rate Payers Association (5 July 1993).
166. The Urban Foundation (6 July 1993)
167. Development Action Group (5 July 1993).
168. Telkom (5 July 1993).
169. Marburg Town Board (6 July 1993).
170. Town Council of Ventersdorp (6 July 1993).
171. Graham Gersbach, Edenvale (5 July 1993).
172. Inkosi MR Msibi - Simdlagentsha (6 July 1993).
173. Johannesburg Chamber of Commerce and the Afrikaanse Sakekamer.
174. Cedarville & Mvenyane (8 July 1993).
175. Natal Provincial Administration - Community Services Branch (6 July 1993).
176. The Matatiele Advice Centre.
177. SANCO - Southern Transvaal (6 July 1993).
178. Liberty Life (6 July 1993).
179. Afrikaner Volksunie - Addendum to AVU submission.
180. South African Police (9 July 1993).
181. Gazankulu Council of Chiefs.
182. Gazankulu Fith Legislative Assembly (9 July 1993).
183. Prof AO de Lange, Agriculture and Rural Development Research institute.
184. Golden West Forum (6 July 1993).

185. Kangwane Government - Proposal for an Eastern Transvaal Region (9 July 1993).
186. KwaNdebele Government/Intando Ye Sizwe Party (9 July 1993)
187. United Peoples Front - Lebowa (7 July 1993).
188. Drakensberg Stigting, (28 August 1993).
189. Diocese of Umzimvubu, Church of the Province of Umzimvubu (5 July 1993).
190. Republic of Transkei (8 July 1993).
191. Governor IS Meundisi (Bophuthatswana) (5 July 1993).
192. Govenor EB Pule (Bophuthatswana) (5 July 1993).
193. Solidarity Party (8 July 1993).
194. National African Federated Chamber of Commerce & Industry.
195. Eastern Cape Society of Advocates, Grahamstown Members (9 July 1993).
196. Venda Government (7 July 1993).
197. Sentrale Karoo Regional Services Council (2 July 1993).
198. M B Read - "Streekindeling tov die Noord-Oos Kaap en Transkei" (7 Julie 1993).
199. JR Blaker - Environmental & Development Agency.
200. Municipality of Beaufort-West (2 July 1993).
201. Western Cape Agriculture Union (2 July 1993).
202. Borough of Kloof - Sub-Region West 1 and 2 of the Durban Functional Reggion (30 June 1993).
203. WD Howie - Anerly, Natal South Coast/East Griqualand and Region E
204. Die Afrikaanse Handelsinstituut.
205. Sterkstroom Farmers and Wool Growers' Association (5 July 1993).
206. DJ du Plessis - Oranje Daadkrag, Welkom (1 July 1993).
207. Midland Regional Services Council (6 July 1993).
208. Sabta (5 July 1993).
209. "Standertonse Afrikaanse Sakekamer" (6 July 1993).
210. Ministry of Justice re inputs by the Judges President (6 July 1993).

211. "Die Afrikaanse Handelsinstituut - Natalstreek" (2 July 1993).
212. Port Elizabeth Chamber of Commerce (6 July 1993).
213. Municipality of De Aar (5 July 1993).
214. "Die Bloemfonteinse Afrikaanse Sakekamer" (4 July 1993).
215. The Mount Currie Farmers Association.
216. "Noord-Kaaplandse Landbou-Unie" (5 July 1993).
217. Grahamstown Capital Forum (6 July 1993).
218. Dr Andrew D Spiegel - University of Cape Town (5 July 1993).
219. Plettenberg Bay Ratepayers and Residents Association (5 July 1993).
220. National Party - Eastern Transvaal region (5 July 1993).
221. OFS Chamber of Business (6 July 1993).
222. Afrikaanse Sakekamer Pretoria.
223. Municipal Council of Christiana.
224. Mr P d J Cronje, Jefreysbaai (large wall map).
225. Municipality of Williston - Cape (30 June 1993).
226. Town Council of Fochville.
227. South African Communist Party.
228. Department of Education and Training - Cape Region (9 July 1993).
229. Umgeni Water, Pietermaritzburg (9 July 1993).
230. Association of Management Committees, Cape Town (8 July 1993).
231. Greater Algoa Regional Development Association, Port Elizabeth (8 July 1993).
232. EP Tourism Association (8 July 1993).
233. Pan Africanist Congress of Azania.
234. The City of Durban (2 July 1993).
235. The Free Market Foundation of Southern Africa and supplement submission.
236. Durban Regional Chamber of Business (24 June 1993).
237. Natal Municipal Association (2 July 1993).

238. Borough of Margate (2 July 1993).
239. "Secunda Sakekamer" (2 July 1993).
240. The South African Association of Consulting Engineers (2 July 1993).
241. Sandton Federation of Ratepayers Associations (9 July 1993).
242. The South African Institution of Civil Engineers (9 July 1993).
243. South Eastern Cape Attorneys Association (2 July 1993).
244. KwaZulu & Natal Association of Joint Services Board (5 July 1993).
245. Vereeniging City Council (2 July 1993).
246. Inkatha Freedom Party (2 July 1993).
247. RSCs of the Lowveld and escarpment, Highveld, Oosvaal on behalf of the community of the Eastern-Transvaal - Spotlight on Region F
248. SA Institute of Town and Regional Planners (9 July 1993).
249. University of Port Elizabeth (9 July 1993).
250. University of the Western Cape - Economic Policy Research Project (8 July 1993).
251. ANC - Eastern Cape Region (12 July 1993).
252. Secosaf - Draft executive summary, BKDF Workshop on Regionalism, 21 June 1993, East London (6 July 1993).
253. The Hoedspruit Steering Committee for Regional Development - Region G (5 July 1993).
254. CJ Malherbe - Strand (LARGE MAP).
255. PWV - Consortium, Transportation Planning for the PWV area (1 July 1993).
256. National Regional Development Advisory Committee.
257. Cape Provincial Administration (24 June 1993).
258. VA Volker - MEC, National Party - East Griqualand should remain part of Region E (9 July 1993).
259. "Bethal Afrikaanse Sakekamer" (5 July 1993).
260. MEDUNSA - Service regions (5 July 1993).
261. SANCO - Northern Cape Region - Rietvale Civic Association (7 July 1993).

- 262. Wilderness Ratepayers Association (3 July 1993).
- 263. Borough of Matatiele (28 June 1993).
- 264. Borough of Kokstad (30 June 1993).
- 265. Free Cape Movement.
- 266. Cradock Municipality (9 July 1993).
- 267. Fanie & Hanneljie Schoeman (23 June 1993).
- 268. Association of Mayors/Chairmen and Chief Executive Officers of Local Authorities on the Natal Lower South Coast (18 June 1993).
- 269. Standing Committee on Water Supply and Sanitation.
- 270. H Toerien, Die Oranje-Vrystaat as vertrekpunt vir 'n streekregering.
- 271. Maximiso Buthelezi, KwaMashu.
- 272. SH Mntyali, Piet Retief.
- 273. Michael, Umlazi.
- 274. B Mthembu, Ratanda Heidelberg.
- 275. V Moodly, Durban.
- 276. M Luthuli, Durban.
- 277. E Mbhele.
- 278. Grahamstown Chamber of Commerce and Industry (14 July 1993).
- 279. Mr Tjaard du Plessis, Cresta.
- 280. Mr PR Mabapa, Soshanguve.
- 281. Mr O Sileya.
- 282. Bhekindawo Muthwa, Hlabisa.
- 283. Isaac Myeni, New Germany.
- 284. B I Ngwane, Kwa-Mashu.
- 285. G Mwandla, Durban.
- 286. Individual, Bushbuckridge.
- 287. Grahamstown Side-Bar Association (*Received after the deadline*).
- 288. City of Port Elizabeth (*Received after the deadline*).

289. Municipality of Cradock (15 July 1993) *(Received after the deadline)*
290. Mr Reuben Sive - Oral submission.
291. Transvaal Provincial and Witwatersrand Local Divisions of the Supreme Court.
292. Chief MS Mankuroane.
293. Pan Africanist Congress *(Received after the deadline)*.
294. Vaal Triangle Metropolitam Area and the Civic Association Vaal Triangle *(Received after the deadline)*.
295. Maclear Civic Association *(Received after the deadline)*.
296. University of Cape Town - Institute of Development Law *(Received after the deadline)*.
297. LD van Wyk - Sunninghill, Financing of Local and Regional Government in the New SA *(Received after the deadline)*.
298. Nelspruit City Council *(Received after the deadline)*.
299. Joseph M'tiyone, Richards Bay.
300. "Boere Afrikanerland in Streekverband - Eenheidskomitee van 25" *(Received after the deadline)*.
301. Maclear Civic Association *(Received after the deadline)*.
302. Vaal Civic Association - Sebokeng Branch *(Received after the deadline)*.
303. Comondale Boerevereniging - 12 July 1993 *(Received after the deadline)*
304. Prince Khuzulwandle - Swaziland Border Adjustment Committee *(Received after the deadline)*.

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## APPENDIX C

### LIST OF ORAL HEARINGS HELD BY THE COMMISSION ON THE DELIMITATION/ DEMARCATION OF REGIONS

WORLD TRADE CENTRE MONDAY 5 JULY 1993
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1. JHB CHAMBER OF COMMERCE AND INDUSTRY
2. MR VAN DEVENTER - ESKOM
3. NORTH CHAMPAGNE ESTATES LANDOWNERS ASSOCIATION
4. STANDING COMMITTEE ON WATER SUPPLY AND SANITATION
5. DIKWANKWETLA PARTY
6. SOAK J

WORLD TRADE CENTRE TUESDAY 6 JULY 1993
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7. MR PETER HANCOCK
8. EAST RAND REGIONAL SERVICES COUNCIL
9. REGIONAL CONVENTION OF THE VAAL TRIANGLE
10. ADV CHRIS DE JAGER - PRETORIA
11. AFRIKANER VOLKSUNIE
12. SACOB

WORLD TRADE CENTRE THURSDAY 8 JULY 1993
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13. COUNCIL FOR THE ENVIRONMENT
14. TRANSVAAL AGRICULTURE UNION
15. BUSHVELD DEVELOPMENT FORUM
16. HIGHVELD REGIONAL SERVICES COUNCIL
17. REGIONAL DEV ADVISORY COMMITTEE FOR REGION B
18. KIMBERLEY AFRIKAANSE SAKEKAMER
19. THABAZIMBI DISTRIKSLANBOU-UNIE

- 20. MR PUPSEY SEBOGADI - BRAKLAAGTE TRIBAL OFFICE
- 21. TOWN COUNCIL OF FOCHVILLE

<p>CAPE TOWN MONDAY 5 JULY 1993</p>
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- 22. NAMAQUALAND REGIONAL SERVICES COUNCIL
- 23. DEMOCRATIC PARTY
- 24. REGIONAL DEVELOPMENT ADVISORY COMMITTEE REGION A
- 25. CAPE OF GOOD HOPE PROVINCIAL DIVISION OF THE SUPREME COURT
- 26. MESSRS J HORN/J SLAMBEE/N JANSEN
- 27. NOORDWESTE LEIERSFORUM
- 28. NORTH WEST REGIONAL SERVICES COUNCIL
- 29. NOORDWES-KAAPLANDSE ONTWIKKELINGSVERENIGING
- 30. NOORDWESTE TOERISME VERENIGING

<p>CAPE TOWN TUESDAY 6 JULY 1993</p>
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- 31. D E SMIT & M S VD SPUY
- 32. CALVINIA LANDELIKE RAAD
- 33. MUNICIPALITY OF LOERIESFONTEIN
- 34. LOERIESFONTEIN BOERE-UNIE
- 35. FRASERBURGSE AFRIKAANSE SAKEKAMER
- 36. BESTUURSKOMITEE: AMMERVILLE
- 37. MUNICIPALITY FRASERBURG

PORT ELIZABETH  
WEDNESDAY 7 JULY 1993

38. MIDLAND CHAMBER OF INDUSTRIES
39. DP: EASTERN CAPE REGION
40. MUNICIPALITY OF PLETTENBERG BAY
41. MUNICIPALITY KNYSNA
42. DRAKENSBERG REGIONAL SERVICES COUNCIL
43. EAST CAPE AGRICULTURE UNION
44. VENTERSTAD MUNICIPALITY
45. UPPER ORANGE RIVER REGIONAL DEVELOPMENT ASSOCIATION -  
REGION 11
46. PORT ELIZABETH CHAMBER OF COMMERCE
47. GRAHAMSTOWN CITY COUNCIL

DURBAN  
THURSDAY 8 JULY 1993

48. DURBAN REGIONAL CHAMBER OF BUSINESS
49. PORT NATAL/EBHODWE JOINT SERVICES BOARD
50. NATAL AGRICULTURE UNION
51. EAST GRIQUALAND REGIONAL DEVELOPMENT ASSOCIATION

<p>WORLD TRADE CENTRE 16 JULY 1993</p>
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52. CHIEF MS MANKUROANE
53. MR RUEBEN SIVE
54. INTANDO YE SIZWE PARTY
55. JUDGES PRESIDENT
56. NATIONAL PARTY/GOVERNMENT
57. AFRICAN NATIONAL CONGRESS
58. TRANSKEI GOVERNMENT
59. PAN AFRICANIST CONGRESS OF AZANIA
60. GEN CONSTANT VILJOEN

<p>UMZIMKULU 21 JULY 1993</p>
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61. INKATHA FREEDOM PARTY
62. KWAZULU GOVERNMENT
63. TRANSKEI TRADITIONAL LEADERS/ TRADITIONAL ASSOCIATION OF CUSTOMS OF PEOPLE OF SOUTH AFRICA
64. CONTRALESA
65. TRANSKEI HEALTH DEPARTMENT, UMZIMKULU HOSPITAL
66. MALUTI REGIONAL AUTHORITY/ANC/SADTU
67. UMZIMKULU REGIONAL AUTHORITY/CHIEFS OF UMZIMKULU
68. UMZIMKULU CHAMBER OF COMMERCE
69. UMZIMKULU ATTORNEYS
70. QAWUKENI REGIONAL AUTHORITIES
71. LADAM REGIONAL AUTHORITY
72. LUSIKISIKI TRIPARTITE ALLIANCE: ANC, SACP, COSATU

73. PAC, UMZIMKULU
74. SADTU, UMZIMKULU
75. UMZIMKULU FARMERS UNION
76. UMZIMKULU CIVIC
77. SACP, UMZIMKULU
78. ANC, UMZIMKULU
79. ANC & SANCO, MACLEAR (REPRESENTING ANC/ SANCO-  
DRAKENSBERG REGION)
80. ANC - NTABANKULU BRANCH

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Technical Support Team

record1

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LIST OF SUPPORT STAFF

Administrative Secretary	Mr Saul Bodibe
Technical Secretary	Dr Renosi Mokate
Administrative Support Staff	Mr Frans du Preez Ms Thembi Mbobo Mrs Dora Morobe Mrs Ntombi Sithebe-Tsotetsi
Technical Support Team	Dr Sipho Buthelezi Mr Neil de Beer Mr Christo de Coning Dr Bertus de Villiers Prof JA du Pisanie Mr Trevor Fowler Mrs Dulcie Krige Prof Jeff McCarthy Prof Job Mokgoro Mr PA Pienaar Dr Olive Shisana Prof Richard Tomlinson

## MINORITY OPINIONS

## COMMENTS ON MINORITY OPINIONS

Mr. Brennan's opinion contains several points I see for example, the Court's limitations imposed on its first. The secondly correct. Finally, the Court's reasoning upon the second point is correct.

1. ...
2. ...
3. ...
4. ... Decision ...
5. ... conclusion ...

## COMMENTS ON MINORITY OPINIONS

The Commission functioned on the basis that members could have their dissensions recorded and the final report is prepared accordingly. Therefore, in finalising its report, the Commission was not aware that minority opinions were to be tabled. Two Commission members subsequently submitted minority opinions which resulted in the Commission reconvening in order to consider them.

### OPINION BY MR. KOOS REYNEKE

The Commission took note of Mr. Koos Reyneke's opinion.

The Commission is satisfied that it applied the criteria for the demarcation/delimitation of regions, provided in its terms of reference, appropriately in all its recommendations.

### OPINION BY MS. ANN BERNSTEIN

Ms. Bernstein's opinion contains many points which are already covered in the Commission's report ( see for example, the Commission's comments on pages 1, 8, 23 and 25 on the time limitations imposed on its brief). The content of her opinion is also not in all respects factually correct. Finally, the Commission is dismayed and finds it regrettable that Ms. Bernstein's report deemed it necessary to cast doubt on the professional integrity of the members of the Commission.

#### **The Commission distantiates itself from accusations that:**

1. The process embarked on by the Commission was undemocratic and lacked proper consultation.
2. The Commission attempted to "impose an undemocratic map on the country."
3. The Commission "believed" that "a hastily conceived map" which "represents a compromise between the different views of the members of the Commission was the appropriate role of an "expert" Commission."
4. Decisions were taken on insufficient information and/or knowledge.

#### **The Commission wishes to place on record that:**

1. It did not set out with a preconceived map or a specific number of regions, as explicitly set out in the working procedures of the Commission (see pages 2, 4, and 24-25).

2. Its recommendations were not based on a compromise, but that each Commission member had the fullest opportunity to debate and record his/her opposition to or disagreement with any of the recommendations. Ms. Bernstein availed herself of her right to dissent or concur on particular demarcations, and this has been recorded in the report.
3. Volumes of technical reports ( produced by a renowned team of experts appointed by the Commission), 304 written and 80 oral submissions, as well as a wealth of information from international experience were considered in the Commission's deliberations and final recommendations.
4. It affirms its confidence in the integrity of the Commission members and the Technical Support Team as highly skilled, independent professional people.
5. The Commission took cognisance of its brief to draw interim boundaries and therefore, as stated explicitly in the report, did not consider its recommendations to the Negotiating Council as the definitive and final decision on the demarcation of SPR's.
6. The Commission accepted the mandate of the Negotiating Council fully aware of the responsibility that this would entail, and regrets that Ms. Bernstein could not associate herself with the terms of reference that the Commission was mandated with.

## **MINORITY OPINION: MR KOOS REYNEKE**

Monday, 26 July 1993

## MINORITY REPORT ON THE DEMARCATION OF STATES/PROVINCES/REGIONS

I could have signed this report if it was only a report on the demarcation of Regions.

If this is a report on the demarcation of States/Provinces/Regions (SPR's), as in the terms of our appointment by the Negotiating Forum, I can not sign it.

Three most valuable improvements were however made on the existing development regions with the demarcation of socio-cultural improved regions in the western "Tswana region", the north-western Cape "Afrikaans region" and the border between the "Zulu and Xhosa regions". *Unfortunately similar improvements in other parts of South Africa were not included, because of overriding "cohesion reasons" like economy, geographic coherence and so called homogeneity or regional identity.*

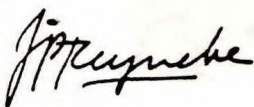
Peace and the creation of conflict free SPR's are pre-conditions to prevent a South African Bosnia. This is essential to restore international economic trust and an investor's climate.

Regions that would have benefited to a large extent with further "conflict reducing socio-cultural borders", are the eastern Cape, northern Transvaal, eastern Transvaal, the Orange Free State and in particular the PWV-region.

Herewith I would like to thank the commission for trying to accommodate me up to the very last hour of our final meeting, by even then changing in the final draft report many references to regions into SPR's, as well as removing objections I still had on statements and examples. Unfortunately two sentences in the paragraphs on sub-regions and a Volkstaat were then removed, therewith closing the door, on the possible future improvements as stated, including a future Volkstaat in between the other SPR's.

To accommodate the people on the ground and to demarcate final borders for States, Provinces or Regions that the people can identify with, it is necessary to do, and the process would require from us, a proper local survey.

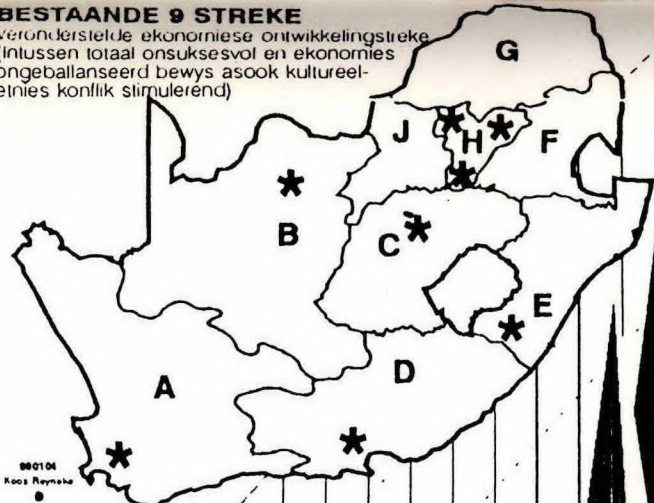
Only then will peace follow



Koos Reyneke

# BESTAANDE 9 STREKE

Veronderstelde ekonomiese ontwikkelingsstreke  
(Intussen totaal onsuksesvol en ekonomies  
ongebalanseerd bewys asook kultureel-  
eties konflik stimulerend)



## BEVOLKINGSVERSPREIDING

en KONFLIKANALISE  
VOORBEELDE:

(J) vrede

(H) konflik \*

\* Geweldige konflikpotensiaal in  
streek H:

- \* Te veel rykdom!
- \* Te veel mense.
- \* Te groot verskeidenheid sterk  
groepe/volke
- \* BOERE ! (1,2 miljoen boere wat  
dalk deur ANC regeer gaan word!

gemiddeld/aantal mense

gem/kap

getalle  
(x 100 000)

100

80

60

40

20

0

TOTAAL  
ekon/kap

12 ZULU

11

10 SOTHO

9 N.SOTHO

8 TSWANA

7 KAAPS

6 ENGELS

5 BOER

4 SWAZI

3 AFRIKANER

2 ASIEP

1 ANDER

relatiewe vrede  
"Volkstate"

Konflik !

Konflik

Konflik

tot.

(A)

(F)

(H)

(B)

(J)

(G)

(C)

(D)

(E)

streke

930612  
Koos Reyneke

©  
smart5em

## MINORITY OPINION: MS ANN BERNSTEIN

## THE COMMISSION ON THE DEMARCATION OF REGIONS

### A Plea for a More Democratic Approach on Regions

*"Wrongly or hastily planned regions could well be a recipe for disastrous and violent fissipation along ethnic, racial or party political lines. By contrast, there are many positive developments that could flow from intelligently and sensitively constructed regions: the deepening and extension of democracy; the integration of regional sentiments into national politics; and the amelioration of regional economic imbalances."*

*Professor Gavin Maasdorp,  
May 1993*

Ann Bernstein  
Member of the Commission

July 1993

## OVERVIEW

*I have submitted this report because I believe that further public debate and consultation is necessary before the decisions on South Africa's regional map can be taken successfully. In particular, my standpoint is that:*

- *it is a mistake to impose an undemocratic map on the country;*
- *wider consultation would help to ensure that the positive facets of a regional system are realised; and*
- *the process of arriving at regional delimitations is at least as important as the boundaries themselves.*

*This report is intended as a constructive contribution to the negotiation process, and the transition to a democratic government as soon as possible. I hope it is received in this spirit.*



*Ann Bernstein*

*28 July 1993*

# THE COMMISSION ON THE DEMARCATION OF REGIONS

## A Plea for a More Democratic Approach on Regions

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### 1. COMMITMENT TO DEMOCRACY AND ELECTIONS

The author of this report is totally committed to a democratic South Africa in which all South Africans have the vote; the "homelands" are reincorporated and a united single country created. I believe South Africa needs a new and democratically elected government as soon as possible and I look forward to the day when I will be part of a country where the elected government does represent a majority of the voters and is held accountable for its actions to those voters at regular free and fair elections.

It is because of this commitment that I accepted the invitation to join the Commission on the Demarcation of Regions. I did this on the understanding that I was joining an independent non-party political commission charged with assisting the negotiating parties in their efforts to move South Africa towards democracy and elections as soon as possible.

### 2. NEGOTIATING COUNCIL RESOLUTION

The resolution of the Negotiating Council that established the Commission on Regions noted that

*"... whereas there appears to be broad agreement that the most suitable form of government for the future will be one which involves an allocation of powers to national and regional government... the differences that exist relate essentially to the boundaries, powers and functions of the regions/states/provinces and the process whereby such differences may be resolved" (own emphasis).*

It was against this background that the Commission was asked to *"make recommendations to the Negotiating Council within six weeks, on the delimitation of regions/states/provinces"*.

### 3. TWO FUNDAMENTAL DIFFERENCES

It needs to be stated at the outset that some of my differences with the majority of the Commission members relate to the interpretation of our brief. In essence there are two issues :

- \* how one interprets this brief from the Negotiating Council;
- \* and how one understands the different roles of politicians (the Negotiating Council) and independent "experts";

It is my view that in six weeks it is possible to make a contribution to the "process" of understanding and resolving the issues involved and the differences that exist in the country around the detail of a regional map. To try and actually produce the regional map for the country in such a short time and think that this will resolve the differences that exist between all the many interests on this matter is to my mind totally unrealistic and dangerous.

Most other countries have spent far longer on the process of regional demarcation and for good reason (see the section in the Commission's report on the international experience). Boundaries are often the cause of violent regional or communal conflict and war.

I believe it is critically important that the roles of independent experts and those of political players are not confused. The "experts" should - to the best of their ability and as objectively as possible - identify, clarify and highlight the issues and choices that face the country and the implications of these different choices. "Experts" do not represent constituencies and they have no mandates on which to negotiate compromises. "Experts" are not accountable to anyone other than their own consciences and sense of professional ethics. Their contribution must be one of clarifying options and the implications of choosing the different options for the decision-makers.

It is the role of the politicians to actually make the choices, negotiate the compromises - on the best possible information available - and then live with the consequences of those choices i.e the assent or opposition of the voters.

On both these issues I found myself at odds with the majority of the Commission. They believed it was possible to produce a single map for the country in the six weeks given the Commission to complete its task. They also believed that the production of a single map that represents a compromise between the different views of members of the Commission was the appropriate role of an "expert" commission. On both these counts I disagreed.

#### 4. CRITERIA - NECESSARY BUT NOT SUFFICIENT

The Commission was asked to consider boundaries from both an electoral perspective (regions will be represented in the national legislature) but also from a constitutional perspective (regions will form the basis for new regional governments to be elected at the same time as the national legislature).

In order to guide the Commission in this work the negotiating process set out certain criteria to be considered in the process. These criteria are

*"historical boundaries, including provincial, magisterial and district boundaries and infrastructures; administrative considerations including the availability or non-availability of infrastructures and nodal points for services; the need or otherwise to rationalise existing structures (including the TBVC states, self-governing territories and regional governments); the necessity of limiting financial and other costs as much as is reasonably possible; the need to minimise inconvenience to the people; the need to minimise the dislocation of services; demographic considerations; economic viability; development potential; cultural and language realities."*

I support all of these criteria and believe that they form an important input to how one should think about regional demarcation. The problem is that these criteria are necessary for the process of regional demarcation but not sufficient. In other words it is possible to produce a number of different regional options all of which would satisfy the given criteria. For example the criteria do not help in deciding on the following kinds of issues :

- Should the Pretoria metropolitan functional area be a separate region or not (this is an urban region comprising 2,8 million people and with the highest population growth rate in the country)?
- Should the Northern or Eastern Transvaal incorporate Pretoria or not?
- Should Natal/KwaZulu be one region or two or three (this region has 8,8 million people - 23% of the total population of the country)?
- Should the Eastern Cape/Transkei/Ciskei be one large region or two separate regions?
- Should the Vaal Triangle be a part of the PWV region or a separate region?
- Should the Western Cape be a smaller region or incorporate the Northern Cape?
- Should the OFS be merged with the Western Transvaal or not?

Drawing a regional map will need to be based on considerations which go beyond those contained in the criteria identified by the Negotiating Council. For example a position on the desirability and functionality of large or small regions; OR a view on the likely consequences for present and future ethnic or race relations of creating certain regions rather than others.

The Commission did not consider the electoral implications of regional boundaries at all. <

## 5. THE SUBMISSIONS - WHAT DID WE LEARN?

Upon its formation the Commission immediately called for written and oral submissions from the public on the demarcation of the country into regions. Despite the short time available for submissions to be made the Commission received 313 written submissions and heard some 84 oral presentations. The volume of response is a clear indication that South Africans from diverse walks of life consider the matter of regional delimitation in a very serious light. It also formed an enormous body of information and arguments for the Commission to absorb and analyse in the short period after receiving the submissions and before finalising its report.

What do we learn from this unexpected (to me at any rate) and energetic public response?

An analysis of this body of evidence to the commission reveals a number of important general features:

- \* the strong emotions that are attached to borders and boundaries in SA (some submissions said there would be "no compromise"; and that "this boundary could cause war");
- \* the enormous diversity of opinions and ideas and the complex range of issues that need to be considered in thinking about regional demarcation in a country as large and diverse as SA;
- \* the speed with which certain groups were able to respond and place considered proposals on the table (e.g. the Northern Transvaal Political Discussion Forum; the Eastern Transvaal groups; chambers of commerce and industry; certain municipalities);
- \* the many communities and identifiable interest groups that did not make submissions or representations to the Commission (e.g. non-homeland groupings in the Western Transvaal; local black communities in the Northern Transvaal; black communities on the PWV etc);
- \* the vitality of some local initiatives and burgeoning local democratic processes in the country; and the ability of these different local interests to reach agreement on their needs for the future (the most striking example is the submission from the Vaal Convention, representing municipalities, business, civics, and the local IFP. Other examples are the Border-Kei Development Forum; the Northern Transvaal Political Discussion Forum; and the Plettenberg Bay Ratepayers and Residents Association);
- \* the state of flux in the national debate on a regional map with two leading political parties putting proposals to the Commission that were significantly different from their earlier contributions to the public debate (in the last year the ANC and the NP have put forward several different proposals on the demarcation of regions; another example was the SATSWA grouping that changed their preferred map in the course of the commission's deliberations);
- \* the very many submissions to the Commission that identified the need for further consultation before decisions were taken (South African Chamber of Business; the South African Communist Party, Eastern Cape; the Sandton Federation of Ratepayers Associations; the Bathaping tribe in Taung; South African National Civic Association, Southern Transvaal; the National Regional Development Advisory Council; and at least 45 other submissions). The suggestion of the RDAC for Region H is typical: "....if such adjustments are to be considered (to existing boundaries) the local communities and other bodies involved should first be properly consulted".

## 6. REGIONAL DEMARCATION - THE CRITICAL ISSUES

On the basis of the written and oral submissions the Commission is now in a position to identify the critical issues that need to be presented to the public and openly discussed and debated before drawing a regional map for the country. These issues are both substantive and procedural:

### Substantive issues :

- \* Are big or small regions more beneficial to the disadvantaged, the poor and those who have had the least in the past? Is it better for the poor in both urban and rural SA to be part of large and diverse regions or part of smaller more focused regions?
- \* Are big or small regions more conducive to economic growth and development delivery?
- \* Are big or small regions more likely to result in effective, efficient and slim regional governments?
- \* Are big or small regions more likely to accommodate South Africa's political diversity and promote racial reconciliation?
- \* Is it better for the country to have metropolitan regions (e.g the Durban functional region or the Pretoria functional region) or larger regions and then additionally elected metropolitan government and smaller local government as well? Is it worth having this extra tier of government and if so why and what are the benefits?
- \* What is the best approach to the PWV - undoubtedly the most important economic, development and political region in the country - the geographic area where the new South Africa will succeed and take the rest of the country with it or disintegrate into a violent and bloody conflict: what is best for the different component parts of the PWV; and what is the best arrangement of the PWV for the country as a whole and future inter-regional relationships?

### Procedural issues :

- \* How does a democratic society handle regional demarcation and balance the need to hear everyone with the need for speedy decisions?
- \* How best to reconcile the different positions that clearly emerge on regional boundaries?
- \* How does one reconcile local and regional interests and needs and national interests and needs? What is the best balance between the two and how should this be derived?
- \* How to deal with the problem that most black communities did not participate in the debate on regional borders?

It is clear that national political parties consulted within their own ranks on the regional demarcation. The ANC in particular seems to have had numerous discussions on this issue. However because of the very tight time constraints and the changing perception by the political parties of the "ideal" map for South Africa it is certain that there are very many local and perhaps even regional communities who have not yet participated fully (or at all) in the debate about regional boundaries.

## 7. TWO OPTIONS FOR THE NEGOTIATING COUNCIL

How should the politicians respond to these complex substantive and procedural issues?

It seems to me there are two kinds of response

### OPTION 1 "National politics is paramount"

One response is the view that the only issue that matters in SA in 1993 is how to broker a national political settlement as quickly as possible and therefore the only views that should be given serious consideration are those of the national political parties.

Therefore the way to draw the regional map is to negotiate a reconciliation of the maps of the different national political parties. In this model the map of South Africa's new regions becomes a vehicle for pushing the political deal along speedily and trying to bring as many of the national political interests into the process as possible. A group of people can then look at the maps of the different national political parties and based on their knowledge and opinions concerning the issues that face the country make some judgements on what the "best" compromise map could look like (this can be done very quickly and in many respects the Commission's proposed map does just this).

### OPTION 2 "Political, economic and development considerations are equally important"

A different response is the view that says SA faces a triple crisis - the political challenge and the economic growth and development challenge. And although this makes the transition to democracy more difficult in the short term it is nonetheless the reality that we face. Ignoring the socio-economic issues will make democracy impossible in the medium term.

Therefore tempting as it is to only worry about national politics in demarcating the regions, this approach argues that the demarcation of future regional governments needs to be thought about in terms of South Africa's political needs and its socio-economic development needs as well. This then means that not only are national AND local political considerations important but some fundamental development issues as well.

## 8. AVAILABLE EVIDENCE AND INFORMATION NOT SUFFICIENT FOR CRITICAL DECISIONS

As a member of the Commission I have to state that on the available information I myself am not at all clear on at least four of the critical issues that face the Negotiating Council :

- \* what would be best for either the people living in the Border/Kei area or the country as a whole if the entire Eastern Cape were made into one region;

- \* similarly I am not yet convinced either way as to the positive or negative ramifications of separating Pretoria from the Witwatersrand;
- \* I do not fully understand the implications for the mainly "coloured" people of the Northern Cape of deciding that it will be a separate region;
- \* and I have a very limited perspective on myriad local issues, where communities and other interests have strong views on where they would like to be relative to regional boundaries.

It is my view that on the evidence and technical information presently available to the commission it is extremely difficult to argue the definitive case in any of these four examples one way or the other.

What I do know is that apartheid is now dead and that a new government elected by the majority of South Africans will need to address the many important issues that have been ignored and distorted for so long. This new government will be fighting for its political and economic survival and it will have to reverse the past four decades failure with respect to development generally and regional development in particular. In this context some fundamental rethinking is necessary and this must apply to the regional debate as much as any other topic.

I would suggest that the first step on the path of progress is to honestly admit that there are more unknowns in our search for solutions than there are knowns. The second step is to question all the assumptions we carry with us based on South Africa's past and that must include all the so-called development regions. What we have to do is really listen to local and regional communities and the different interests in those communities and how they perceive what is best for them and then based on the current and best understanding of the local and international experience that is relevant to the new and uncharted waters of strong regions make a decision. To my mind this has not yet been done in anywhere near an adequate manner.

## 9. TIME CONSTRAINTS AND DEMOCRACY

I am well aware of the time constraints within which the politicians are battling to forge "the new South Africa". I should therefore not be misunderstood. I am not arguing a counsel of perfection on regional demarcation but I am arguing for a more cautious, more humble, more democratic and consultative approach.

As in other areas where negotiations have stumbled in the past, I am suggesting that when it comes to an acceptable regional map of the country "more haste could mean less speed".

- \* It is possible to now identify the areas of considerable disagreement and potential conflict around the boundaries question.
- \* It is also possible to meet some of the gaps in the evidence to the Commission particularly from black South Africans by identifying conflict areas and organising special public hearings in order to listen to local views and especially encourage black communities in those areas to participate and put forward their concerns.

- \* The areas of conflict are such that in this process of consultation and further assessment all the above identified substantive and procedural issues can be more fully considered.
- \* Allowing further debate and consultation in the most contested areas will only help the process of acceptance of the regional map when it is finalised. Not only will the map drafters know and understand more about the issues that it must decide on but it will be much harder for anyone to argue that their point of view was not heard or fully debated.

It needs to be pointed out that the Regional Commission did not operate on a full time basis over the past six weeks. Groups of Commissioners participated in some nine days of oral hearings in various parts of the country (Cape Town, Durban, Port Elizabeth, Umzimkulu, World Trade Centre), and the full Commission met on seven occasions over the six week period.

## 10. THE WAY FORWARD

The Negotiating Council should see the work of the Commission as the beginning of the process of regional demarcation and not the end. In order to get a regional map for the country as soon as possible, and in effect link the concerns of Options 1 and 2, I would suggest the following practical steps :

- \* The Negotiating Council should agree the areas of greatest difficulty and most importance in the regional demarcation process for the future of the country;

I would suggest that these are :

- the Eastern Cape/Transkei/Ciskei area - should there be one or two regions here;
- the Northern Transvaal - in particular what do black people in this region think would be best for their future;
- the Northern Cape - should there be a separate region in this area and in particular what effect will this have on the poor;
- the PWV, in particular the Pretoria functional region and the Vaal Triangle - should they be a part of the PWV or separate or join another region? What would be best for the country; and for the component parts of the PWV?

- \* Public hearings in these areas should be arranged by a delegation from the Negotiating Council or the Commission on Regions so that the debate about their future can be further developed and heard more widely.

- \* The Negotiating Council should clarify the constitutional issues that fundamentally affect the regional boundaries :
  - the powers and functions of the regions;
  - role and powers of metropolitan areas, cities and towns and their relationships with central and regional government;
  - the powers of regions in the central legislature;
  - the nature of the fiscal transfers to regions.

On the basis of this further information it will be possible for the Negotiating Council to agree a map that not only has a better chance of dealing with the country's political, social and economic challenges but is also likely to be more widely accepted.

#### CONCLUDING REMARKS

It is important to remember why the negotiating parties have agreed to regions at all. As I see it there are three important national objectives for the establishment of regions and that regions must fulfil. The first is the need to build one South African nation in which diversity is encouraged and conflict is reduced. The second is the contribution of decentralized government to building a democratic culture in the country and bringing government closer to the people. The third is the need for inter and intra-regional development in South Africa that will contribute to national economic growth and an improved quality of life for all South Africans.

The Commission decided to interpret its brief as the quick production of a map of the proposed new regions for the country and that in essence is the substance of their report to the Negotiating Council.

I am unable to sign this report because

- \* I do not believe that a hastily conceived map which is a compromise of the views of individual commissioners is the appropriate response to the complexity of the regional demarcation process.
- \* I do not believe that the most useful contribution of the Commission is to produce a hastily conceived single map for the Negotiating Council.
- \* I believe that the politicians and the wider public need to be fully apprised of the critical issues that face the regional demarcation process and that a decision then needs to be made by the Negotiating Council on how best to proceed.
- \* There are very strong views in the country concerning land and borders and it would be an error to underestimate these emotions.