

political actors have previously concentrated on ideological and dogmatic policy proposals regarding regional government, a more flexible and open-ended approach with the focus on problem-solving has now become evident.

The ANC which has always had strongly opposed federalism, argued in 1990 that provision should be made for regional governments in future, provided that their laws did not conflict with national policies. The ANC at this stage supported granting "delegated" powers to regions rather than guaranteed powers. A new approach in the ANC's thinking regarding the allocation of powers became apparent in 1991 after the ANC returned from a study tour to Germany. The chairman of the ANC constitutional committee, Dr Zola Skweyiya, remarked that federalism "is not practised as we thought it was". He concluded that the ANC wants "a unitary government with some federal characteristics" (29 September 1991).

The NP which has traditionally also been opposed to federalism, began supporting it in the early 1990s as the transition to a fully fledged democratic state drew closer. In its proposals on regional government the NP in 1991 declared itself in favour of "original and entrenched authority" for regions in a federal constitution. The sudden support given to federalism by the NP, some homeland parties and even rightwing groupings, has fuelled the suspicion with which the entrenching of regional powers is viewed.

An important breakthrough regarding the allocation of powers was made in 1993 by the Technical Committee on Constitutional Matters (28 May 1993) when the following was agreed upon:

The powers and functions of each level of government shall be defined in the constitution. Amendments to the constitution which alter the powers, boundaries, functions or institutions of regions shall in addition to any other procedures specified in the constitution for constitutional amendments, also require the approval of a specified majority of the legislatures of the regions, and if the amendment concerns specific regions only, the approval of the legislatures of such regions will also be

needed.

The state of the debate regarding the way in which the powers of regions will be allocated can therefore be summarized as follows:

- \* The regions will have elected regional assemblies endowed with legislative and other powers guaranteed by the constitution.
- \* Regions will have certain exclusive areas on which they can legislate and they and the central government will be jointly responsible for certain concurrent matters.
- \* The central government and regions will, owing to their original powers, be in a position to decentralize some of their functions to other levels of government.
- \* The courts will ensure that the constitution and the division of powers are adhered to.

### **4.3 Types of regional powers**

One of the main issues that still needs to be addressed in the South African context, is the type of powers and functions that will be allocated by the constitution to regions. An international comparative perspective may be useful in providing guidelines for South African negotiations:

#### **4.3.1 International perspective**

There is no clear and universally acceptable "list" of the powers that should be granted to regions. The typical powers given to regions depend on the history and background, infrastructure, economic resources, institutional capacity, and population composition of a specific country and its regions. The reasons for allocating certain matters to the member



states in the United States may differ from the considerations in Spain, Belgium and India in allocating powers and functions to regions. In the allocation of powers it should be emphasized that a balance should be sought between purely central and purely regional interests.

The powers and functions of regions can be classified into two general categories, namely the right to establish their own institutions and the right to legislate on certain matters.

#### **4.3.1.1 Right to determine regional constitutions**

The notion of responsible, accountable and representative regional government with legislative powers can only become a practical reality if such regional institutions function within a legal and constitutional framework. Such a framework has to deal with the democratic foundations of the regional legislature, its size and composition, the executive, the relationship between legislative and executive branches, etc.

International experience offers a range of alternatives for regional constitutions. The following examples are the most important of these:

##### **\* Regional constitution in national constitution**

The national constitution could as in India contain a standard regional constitution with which all regions would have to comply. The regions could not, therefore, provide for their own regional peculiarities and circumstances.

##### **\* Constitutional principles in national constitution**

The national constitution could contain certain binding principles with which all regional constitutions would have to comply. Such principles could be, as in Spain, specific enough to ensure democratic governmental processes, but general enough to allow regions to accommodate certain local and regional circumstances. The national constitution could for instance determine that all regional constitutions have to respect human rights, guarantee universal franchise, provide for frequent elections, a certain size of legislature and executive. Within such a framework the regions could then add details regarding issues such as



traditional leaders, advisory bodies, composition of the legislature and other matters.

**\* General guidelines in national constitution**

The national constitution could as in the United States contain very vague and general guidelines which would have to be given content by the courts. In the United States and Switzerland the national constitution determines only that the regional constitution has to adhere to a "republican" form of government. The respective regions could then, within the guidelines provided by the courts, promulgate their own regional constitutions.

**4.3.1.2 Legislative powers of regions**

Various countries set out the powers and functions of regions in different ways, depending on the particular circumstances of a country. In a country such as the United States provision is made in the constitution for the powers of the central government, and all other matters are allocated to the regions. In Canada the powers and functions of the regions are allocated, and all other matters fall under the jurisdiction of the central government. In India the constitution contains a list of national, regional and concurrent powers in an effort to provide as much certainty as possible concerning where a specific issue is allocated.

It should be emphasized from the outset that the use and exercise of powers by the central and regional governments should be characterized by co-operation and partnership rather than conflict and antagonism. Intensive efforts are made internationally in countries with regional governments to provide a framework for co-operative arrangements in order to ensure maximum effectiveness in governmental processes. The fact that regions would have certain entrenched powers should therefore not be regarded as conflicting with national unity and co-operation. It is rather a measure to ensure unity.

The right of regions to take autonomous decisions on the matters allocated to them by the national constitution is central to the debate on demarcation. Should regions become more administrative agencies of the central government with no popularly elected base, the positive aspects of regionalism could not be fully exploited. The types of powers granted to regions will have an influence on the weight attached to the various criteria for demarcation.



In South Africa there is currently general agreement that the powers of regions should be entrenched in and guaranteed by the national constitution. Unfortunately there is no clarity about what exclusive and concurrent powers regions would have. The experience of other countries may provide guidelines to South African negotiators.

The following categories of powers are provided for internationally:

**i) Exclusive powers of regions**

Exclusive powers of regions entail such powers as are guaranteed to the regions and for which they have the sole or main responsibility. The range of exclusive powers depends on the history and circumstances of a country and it is therefore difficult if not impossible to provide a "standard" list of powers that should necessarily be granted to regions. Some of the factors that may impact upon the powers of regions are the needs of the inhabitants, their experience with regional government, the availability of infrastructure, economic resources, institutional capacity and other local requirements. The following are examples of some of the powers that in other countries are guaranteed to the regional domain:

- |                     |                   |                    |
|---------------------|-------------------|--------------------|
| * agriculture       | * housing         | * public health    |
| * fisheries         | * land allocation | * local government |
| * mineral resources | * language policy | * culture          |

**ii) Concurrent powers of regions and central government**

Concurrent powers are those that are shared by the central and regional governments and on which both levels may legislate and take action. Should a conflict occur in legislation, the courts would first have to interpret the legislation in as harmonious a manner as possible, but if the conflict were irreconcilable the national legislation would override regional legislation. The following are examples of some of the concurrent powers in other countries:

- |                       |                   |                          |
|-----------------------|-------------------|--------------------------|
| * taxation            | * agriculture     | * industrial development |
| * nature conservation | * labour          | * education              |
| * trade               | * social services | * health                 |
| * broadcasting        | * welfare         | * housing                |

### **iii) Residual powers**

Residual powers are all the matters that have not been explicitly identified by the national constitution and that may arise from time to time as circumstances change. It is impossible to cover all possible areas of legislation when the constitution is drafted, and therefore the residual category would include all those matters not mentioned in the exclusive or concurrent lists. Residual powers might be an important source of legislation and could be allocated to regional governments (as in the USA, Australia and Malaysia) or to the central government (as in Canada and India).

#### **4.3.2 Types of regional powers - a South African perspective**

A pertinent question which political parties in South Africa currently disagree about, concerns is the powers and functions which should be allocated to regional governments. Some parties, such as the NP, IFP and Bophuthatswana, favour "maximum" devolution of powers to regions according to the principles of subsidiarity. Other parties, such as the ANC, SACP and the PAC, fear that granting too widely ranging powers to regions might undermine national unity, encourage secession and limit the ability of the national government to initiate and implement extensive socio-economic reconstruction.

There is wide agreement that the powers of the present provincial executive committees are too limited and not sufficiently protected against central government interference. On the other hand the powers of the self-governing homelands have been granted with the aim of encouraging "independence", and consequently certain matters have been decentralized on ideological rather than practical grounds. The ANC provides in its proposals for **no** exclusive regional powers but only concurrent matters, meaning that regional decisions on all such matters could be nullified by the central government. The NP and the IFP on the other hand provide for very extensive exclusive powers for regions.

The following guidelines suggested for further negotiations and discussion regarding the powers and functions that could be granted to regions:



#### 4.3.2.1 Co-operative regionalism

The allocation of powers and functions to the different levels of government should be aimed at the encouragement of co-operation, national unity and partnership. The respective levels might have different priorities from time to time, but differences of this kind should be approached in a spirit of trust, not antagonism. Each level should respect the fact that service to the people could best be served by co-operation and mutual respect. Regionalism need not undermine national unity. If approached in the correct manner it would build national unity and harmony.

#### 4.3.2.2 Regional constitutions

Regions ought to be afforded the opportunity to decide within the national framework and complying with national principles, how their regional legislative and executive institutions should be composed. The national constitution should ensure that irrespective of regional characteristics, all regional constitutions would adhere to certain democratic standards pertaining to the electoral system and process, the size of governmental institutions and the protection of fundamental rights. Within such a framework the regions could decide on the establishment of advisory bodies, the recognition of traditional leaders, the provision of subregions and other matters of purely regional concern. Provision could also be made for regional constitutions to be ratified by the central parliament, a special committee or the constitutional court. As a general principle the courts should be the ultimate guardians to ensure that regional constitutions and arrangements adhere to the national constitution.

#### 4.3.2.3 Legislative powers of regions

- (i) The legislative powers of regions ought to be set out in the national constitution, thus granting original powers to them and the central government. Two goals should be set in the allocation of regional powers. **Firstly**, the regions should be provided with sufficient security and protection against undue national interference. **Secondly**, the central government should be respected for it has the obligation of governing the whole country and

ensuring peace, order and good government. Given the reconstruction that needs to take place in South Africa, the important role of the national government in initiating policies, setting targets and undertaking upliftment should be recognized.

(ii) The constitution could provide for four categories of powers, namely

- \* exclusive central powers
- \* exclusive regional powers
- \* concurrent powers
- \* residual powers.

Provision could also be made for an "overriding" power which would enable the central parliament to override certain regional legislation provided that the constitutional requirements are adhered to.

(iii) Provision could be made for a differentiation of powers between the respective regions, even if only for a limited time. This would mean that some regions, depending on their needs and abilities, might acquire more power and functions than others - thereby introducing a measure of flexibility to the division of powers. The national constitution could for instance contain a menu for potential regional matters, with each region being granted all or some of those powers, depending on its infrastructure, financial resources, institutional capacity and willingness to accept the increased responsibility.

(iv) The following guidelines could be used to determine what range of powers or aspects of powers would be granted to the regions:

- \* The level of government where there is greatest control and influence over the quality of delivering of services, should be given responsibility for a specific matter.



- \* Powers could be decentralized to the level of government closest to the people in any given circumstances, depending on the financial and practical conditions.
  
- \* The central government would not be allowed to use its powers to encroach upon the constitutional integrity of regions including their institutional, territorial and functional powers.
  
- \* Matters which have an impact on regionally oriented activities such as regional planning and development, the rendering of services, the recognition of cultural and territorial diversity and the human and social environment, should as far as possible be granted to regions.
  
- (v) It is at this early stage very difficult to produce a complete list of the powers that could be allocated to regions. The powers of regions cannot be dealt with in isolation from central and local provisions. Given the general principles suggested under Par. 6.3.2.6, the following powers could become regionalized in full or in part:
  - \* Education
  - \* Welfare services (e.g. child welfare, social benefits)
  - \* Health (e.g. clinics, hospitals)
  - \* Agriculture (e.g. assistance to farmers, pest control)
  - \* Nature conservation (e.g. regional parks, environment protection)
  - \* Public works (e.g. regional roads, infrastructure)
  - \* Language and culture (e.g. regional language policy, museums)
  - \* Local government
  - \* Tourism (e.g. regional advertising, tourist offices)
  - \* Traffic control
  - \* Regional law and order
  - \* Traditional authorities
  - \* Wildlife preservation

- \* Regional and town planning
- \* Sport and recreation
- \* Public holidays (e.g. regional days of commemoration)
- \* Housing and employment schemes

The detail and extent of powers need to be debated by regional force and interest groups.

#### **4.3.2.4 Financial resources of regions**

- (i) The success and effectiveness of regional governments will to a large extent be determined by the financial and economic resources at their disposal. It is impossible to demarcate regions in a way that would guarantee equality of resources. As in other countries, there will always be richer and poorer regions. There should however be a balance between a region's responsibilities and its total income, including grants-in-aid. Regions ought not to be given legislative and administrative responsibilities without having the necessary financial, institutional and administrative abilities to cope with them.
- (ii) The income of regions, especially in a relatively poor region such as the Northern Transvaal, could be derived from the following main sources:
  - \* Taxes levied by the regions;
  - \* Taxes levied by the central government and paid over according to a fixed formula to the regions;
  - \* Block grants given by the central government to the regions to use according to their own priorities;
  - \* Special project grants given by the central government to the regions to undertake certain agreed upon activities; and



\*

Loans.

(iii)

Consideration ought to be given to the establishment of a permanent, credible fiscal commission which could investigate the needs in regions, recommend spending priorities, formulate assistance programmes and be the watchdog over expenditure. Such a commission could play a crucial role in ensuring that certain basic facilities would be at the disposal of all individuals and in providing a policy framework for the stimulation of growth, the allocation of funds and formulation of socio-economic priorities.

**Chapter 5 ... / -80-**

## **CHAPTER 5**

### **VIEWS OF REGIONAL POLITICAL ACTORS IN THE NORTHERN TRANSVAAL TOWARDS REGIONAL DEMARCATION**

This chapter details the views and responses of a range of important political parties and groups in the Northern Transvaal - most notably those participating in the Northern Transvaal Political Discussion Forum - towards the demarcation of the region. Their views are summarised in this chapter.

The chapter concludes with a unanimous recommendation from the Forum to the Regional Demarcation Commission on boundaries for a new regional government.

#### **5.1 Research methodology**

In line with the research brief given to the consultants by the Northern Transvaal Regional Political Discussion Forum the widest possible canvassing of views towards regional demarcation had to be sought. A general invitation was thus issued inviting interested organisations to respond with their views such that the final report to the Regional Demarcation Commission could include the perspectives of all groups who were clearly interested in this important issue. A copy of the invitation is attached as Annexure 1.

In addition a special invitation was issued to the parties represented on the Forum. Of particular reference they were asked

- \* what area they thought ought to be included in any proposal for a regional government of which the geographical area now known as the Northern Transvaal should be part of? and
- \* how they justified such a proposal?



A week after this invitation was issued one of the consultants and a researcher spent four days in Pietersburg during which time they received various written submissions and conducted oral interviews with other parties and groups on this issue.

During this period written submissions were received from the following political parties:

- \* The National Party of the Northern Transvaal (Annexure 2)
- \* The Democratic Party (Annexure 3)
- \* The United People's Front (Annexure 4)
- \* Ximoko Progressive Party (Annexures 5, 6 and 7) .

Oral interviews were conducted with the following political parties:

- \* The African National Congress
- \* The Pan Africanist Congress
- \* The South African Communist Party.

Besides the submission received from the political parties mentioned above written submissions were also received from the following groups:

- \* The Regional Development Advisory Commission for Region G (RDAC) (Annexure 8)
- \* A combined submission by the Transvaal Local Government Forum and the business community in the region (Annexure 9). This submission was submitted on their behalf by the town planning firm of Frank de Villiers and Associates.
- \* The Pienaarsrivier/Radium Farmer's Association (Annexure 10).

Oral evidence was also heard from the following:

- \* The South African National Civic's Organisation (Northern Transvaal)

## **5.2 The Northern Transvaal in the context of national debate and existing proposals for regional demarcation**

In the national debate around regional demarcation various proposals have already been made which impinge on the region commonly known as the Northern Transvaal. In addition it can be expected that the Regional Demarcation Commission will receive new proposals or revised proposals which might affect the region. Clearly at the time the research was conducted for this report the parties which submitted proposals to the research team were not aware of refined positions or even new proposals which might be submitted and how these might affect the Northern Transvaal.

These already published proposals include those of the SATSWA initiative based in the Western Transvaal and BophuthaTswana and the proposals by the Department of Constitutional Development and Planning, released in 1992. Perhaps more than any others these two proposals have elicited direct comment in the northern Transvaal because of the way the region is affected by their proposals.

The SATSWA proposals affect the present Region G area of the Northern Transvaal in two possible ways. At the minimum they argue that the Thabazimbi magisterial district should be included in the proposed redefinition of the present BophuthaTswana. An alternative proposal is that besides Thabazimbi, areas around Nylstroom and Warmbaths could also be included. These areas are claimed largely on the basis that the dominant African language in these areas is Tswana.

The proposals presented by the Department of Constitutional Development and Planning suggest that the northern Transvaal region could be combined with the present Region F of the eastern Transvaal and a section of Region H around Pretoria. These proposals are also echoed in some of the SATSWA documentation. These proposals are largely designed to reduce the number of regions in the country to some six or seven regions.



These proposals have elicited much comment in the northern Transvaal region from the political parties in particular. The annexures can be consulted for detailed reaction to these proposals. Brief extracts can be mentioned here.

For example, the National Party of the Northern Transvaal rejects the notion that the present Region G should be combined with the Eastern Transvaal and Pretoria. It argues:

"Although a sound economic and fiscal base is relatively important it should not be the final determining factor. If for instance, Pretoria and part of the PWV Area are included in our region in order to improve the fiscal base one might find that the current Northern Transvaal, which is generally regarded as "laid-back", will in such as dispensation not benefit much from available development funds as such as regional government will tend to concentrate on those areas with the highest conflict potential i.e. Pretoria and surrounding PWV area. It is therefore imperative that our regional Government be as near as possible to our people in order to effectively address the needs and problems of the Region. We believe this can only be obtained if our region does not form part of a bigger Transvaal region but of a smaller northern Transvaal region".

Ximoko, for its part, argues in a very similar fashion:

"The Gazankulu government is of the view that the inclusion of Pretoria into a Northern Transvaal region, as proposed from some quarters, would not serve a constructive purpose. It is felt that this would merely "Skew" the development of the region, as Pretoria would inevitably, by virtue of its size alone, tend to become the focus of the region. The effect would merely be to marginalise the remainder of the region and to further support the high degree of urban bias already existing.

"It further is the view of the Gazankulu Government that the inclusion of Pretoria would do little other than to slightly improve some macro-indicators of the region. Pretoria, functionally and otherwise, is a part of the PWV and its arbitrary inclusion in the northern region would not alter the functional realities".



The South African National Civic Organisation (Northern Transvaal) also rejected the inclusion of Pretoria in any regional government with the Northern Transvaal.

No submission was received, either written or oral, which supported the inclusion of either Pretoria or the entire present Region F in a new regional state along with the northern Transvaal.

There was less unanimity between the political parties on the issue of possible border adjustments in line with the SATSWA proposals. A limited number of submissions argued that the exclusion of Thabazimbi could be considered although it would have detrimental affects on the financial viability of the northern Transvaal. The area is a mineral rich sub region. The submission by the Democratic Party, for example, points this out.

The submission by the United People's Front also indicated that the Warmbaths sub-region could be incorporated into a Pretoria or PWV region.

However at the final meeting of the Northern Transvaal Political Discussion Forum held on Thursday 1 July to discuss the draft version of this report, unanimity was reached between the participating political parties that the present Region G boundaries should be retained. The implication is that those parties which indicated earlier that they were prepared to consider the exclusion of these areas, no longer held.

However outside of submissions received by the political parties the consultants did receive two submissions from other groups supporting the exclusion of some of these areas from the northern Transvaal.

The standpoint of the RDAC (Region G) was that it "strongly supports" the functional demarcation of Region G, contained in the Coherent Development Strategy for region G, with some exceptions: it went on to identify the magisterial districts of Ellisras, Thabazimbi and Waterberg as areas which suggested "possible future regional boundary adjustments".

The submission by the Pienaarsriver/Radium Farmer's Association also urged the inclusion



of the Warmbaths area into a region which would include Pretoria. They argued that the area was linked more closely with Pretoria - on account of its geographic proximity to the city and on economic, educational, cultural and administrative grounds - than with Pietersburg, which would clearly be the capital of any northern Transvaal region.

The submissions can be consulted for further details.

### **5.3 Summary of major proposals (done alphabetically)**

#### **5.3.1 Political parties and groupings**

##### **\* The African National Congress**

The ANC's Northern Transvaal region indicated that while it would stand by proposals which might be made from the head office of the ANC, it supported the present demarcation of Region G as suitable boundaries for a regional authority. It noted that the ANC's proposals, hitherto published, treated the present Region G favourably and had not entailed any major changes to present boundaries.

##### **\* Democratic Party**

The DP argued that the single most important consideration in demarcating the region should be the ability of the region to sustain itself and become economically independent. Boundaries should thus be determined by economic criteria. It argued that the present demarcation of Region G should be retained but with the addition of the towns of Burgersfort, Steelpoort and Groblersdal, presently in Region F. The inclusion of these towns was justified on the grounds that the majority of present employees in these towns lived in Region G while they also spent their disposable income in these towns. The principle of a united tax base between these areas should also hold.

In oral evidence it was also proposed that the magisterial district of Lydenburg should be included. It was argued that many residents of Sekhukhuniland had once lived in the area

before being dispossessed of their land. Claims for restitution would be facilitated if the area fell into the northern Transvaal.

It did not support the exclusion of any area in the western areas of Region G. The fact that these areas were proposed for exclusion on the grounds that the dominant language was Tswana "smacked of classical apartheid". It felt that economic criteria were more important, especially since residents around Thabazimbi were dependent on the town's economic standing.

#### \* **National Party**

Some elements of the National Party's proposals have already been noted. Besides these it argued that the present Region G boundary be used as point of departure with all Lebowa and Gazankulu areas presently in the region remaining part of the region. This was to respect historical, linguistic and cultural boundaries.

However it went further to argue that fairly substantial parts of the present region F be included in the area of jurisdiction of a northern Transvaal regional authority. The detailed suggestions and the map it proposed should be consulted in the relevant annexure.

In summary these areas would include the magisterial districts of Lydenburg, Groblersdal and Pilgrims Rest 2.

A map of these proposals is contained in the relevant annexure by the National Party.

It accepted that the exclusion of some areas in the west could be considered, especially those areas intended for inclusion in Bophuthatswana in 1987. Any such exclusion would however deprive "our Region from income generated by the mining activities in that area". If cultural and linguistic homogeneity were seen as important variables in regional demarcation then the area west of the Krokgedil River should be considered for inclusion in the Western Transvaal/Bophuthatswana.



\* **United People's Front**

The UPF is satisfied with the present definition of Region G. The only exceptions are that the areas of Ellisras, Bushbuckridge and Warmbaths are "within the fringes of other regions". It adds that the demarcation process should be carried out on the basis of non-racialism and democratic considerations.

\* **Pan Africanist Congress**

The PAC indicated that it was not in favour of second tier political authorities since it advocated a unitary state; however if boundaries had to be demarcated for administrative entities subordinate to a strong central government then it accepted the boundaries of the present Region G. The PAC said that it was in favour of strong central government and strong local authorities. It was not in favour of regional governments.

\* **South African Communist Party**

The respondent indicated that they were generally satisfied with the present boundaries of Region G.

\* **Ximoko Progressive Party**

The extensive documentation submitted by Ximoko contains a wide range of criteria that could be used for demarcation. These annexures can be consulted for specific details. In general terms it argues that the nine development regions are a "credible point of departure for the present delimitation since they at least represent a step forward toward the establishment of regional entities with greater functionality". It adds that their existence for over a decade has lent some momentum to their present form such that the costs associated with the adaptation of new regions for political purposes could be reduced to a minimum.

It rejects, as noted, the option of the inclusion of Pretoria. It argues against any

consideration of the exclusion of the Mhala district, which present constitutes part of Gazankulu, into another region. The residents of this area have a strong cultural affiliation with the Shangaan-Tsonga people of the northern region.

It argues that the inclusion of the far northern part of the East Transvaal region, including Hazyview, could be considered since it would give "functional focus to sub-region 6". The reference to Sub-Region 6 follows from the demarcation of the present Region G into six sub-regions for the purposes of the Coherent Development Strategy Document of the Regional Liaison Committee published in 1991.

### **5.3.2 Other submissions and views**

#### **\* South African National Civic Organisation (Northern Transvaal)**

It indicated that the present boundaries of Region G should be retained but with the addition of the towns of Steelpoort, Burgersfort and Groblersdal.

#### **\* Regional Development Advisory Committee - Region G**

Some of the most important aspects of the views of the RDAC have already been noted. The annexure provides finer details of the RDAC's position.

#### **\* Transvaal Local Government Forum and the Business Community of Pietersburg**

This submission largely accepted the present boundaries of Region G. It did argue that the sole exception to this was the magisterial district of Thabazimbi. However the other magisterial districts in the western part of Region G which had been proposed for inclusion in a Western Transvaal Region - those of Ellisras, Waterberg and Warmbaths - were interdependent with the rest of Region G. It did not thus propose their exclusion. Further it proposed that all areas which presently formed part of both Lebowa and Gazankulu should remain part of the same regional authority.



## **5.4 Other issues: The Kruger National Park**

During this process the question of how the Kruger National Park was affected by the drawing of new regional boundaries was raised by many participants. Amongst those that raised it (see for example the written submissions by the National Party and the Democratic Party), there was a strong feeling that drawing new boundaries should affect control of the Park. These parties tended to argue that the Park's inclusion would aid the economic viability of the wider region.

At the 1 July 1993 meeting of the Discussion Forum the Kruger Park issue was discussed at some length. It was accepted that the possible inclusion of the Park was closely related to the broader question of regional powers and functions. Clarity on this issue would have first to be obtained before its inclusion could be motivated.

Debate showed however that there were various alternative mechanisms which could be pursued - joint control between separate Northern and Eastern Transvaal Regions was one, as was the delegation of powers from the National Parks Board to the regional government.


## **5.5 Recommendations flowing from the Regional Political Discussion Forum**


At a meeting held in Pietersburg on 1 July 1993 at which a wide range of political and developmental organisations were represented the Forum, after debate, unanimously resolved to support the following boundaries for a Northern Transvaal regional authority:

- 5.5.1 That the present borders of Region G be maintained as the basis of such an authority;
- 5.5.2 That disputed areas such as Thabazimbi and Warmbaths should remain part of the Northern Transvaal;

5.5.3 That the inclusion of the following areas be supported:

- \* Groblersdal and Marble Hall
- \* Steelpoort, Burgersfort and Lydenburg
- \* Pilgrims Rest and Graskop (see map).

5.5.4 However the Forum accepted, that in the event of the inclusion of these areas being  disputed, that the will of the residents of these areas and towns should be tested.

5.5.5 Furthermore, that in the event of these areas deciding against incorporation, the  views of regional political actors in the Northern Transvaal on this issue should also be considered.

Note: In line with its policy position (as noted above) the PAC felt that it was unable to unreservedly support this recommendation since it was predicated upon the assumption that important political powers would be vested in the regional authority.

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## **Annexure 1**

**Invitation to submit evidence**

# **PRESS RELEASE: REQUEST FOR INTERESTED PEOPLE/ GROUPS TO MAKE SUBMISSIONS CONCERNING REGIONAL DEMARCATION FOR THE NORTHERN TRANSSVAAL**

We request that the following receives coverage in your newspaper/over the radio:

## **Research document on demarcation for the Northern Transvaal**

The Northern Transvaal Regional Political Discussion Forum (RPDF), made up of political groupings in the area (ANC, AVU, DP, NP, PAC, SACP, TIC, UPF, Venda Government and Ximoko PP), and facilitated by Idasa, has commissioned research into the issue of demarcation for the northern Transvaal region with a view to developing a regional position for submission to the national multi-party negotiating forum regarding regional boundaries.

Principal consultants from the Centre for Constitutional Analysis (Dr Bertus de Villiers) and the Centre for Policy Studies (Richard Humphries) will be undertaking the research. This will be undertaken using internationally acceptable criteria of demarcation of boundaries, and will also take into account criteria provided by the multi-party negotiation forum.

Demarcation proposals for the northern Transvaal will be solicited from a range of political actors, and **ALL INTERESTED PARTIES (GENERAL PUBLIC, RESEARCHERS, ACADEMICS, CONSULTANTS, ET CETERA) ARE ENCOURAGED TO GIVE WRITTEN INPUT TO THE CONSULTANTS.**

Closing time and date for written submissions will be **12h00 on Monday 21 June 1993** to enable completion of this submission by 6 July 1993.

Submissions should be made to:  
Richard Humphries/Bertus de Villiers  
P O Box 56959  
ARCADIA  
0007  
Fax: 012 - 43 3387

**FOR FURTHER INFORMATION CONTACT IVOR JENKINS/  
KERRY HARRIS AT (012) 342 1477**



## REGIONAL STRUCTURES TO BE INVITED TO GIVE INPUT TO RESEARCHERS

<u>Political</u>	<u>Labour</u>	<u>Business</u>	<u>Government</u>	<u>Other</u>
ANC	COSATU	AHI/Afr Sake/	Gazankulu	NGO's
AVU	NACTU	Ch of Comm/	Lebowa	RDAC
Azapo	SADTU	Regbiz/SACOB	NOORDRAPO	RDF
CP	TUATA	FABCOS	RSC's	SANCO
DP		NAFCOC	TPA	TAU
NP		NAFTU	TRAPREF	
PAC		SABTA		
SACP				
TIC				
UPF				
Venda				
Ximoko				

## **Annexure 2**

**National Party of the Northern Transvaal**



**DEMARCATIION**  
**OF THE**  
**NORTHERN TRANSVAAL**  
**REGION**  
  
**AS PROPOSED BY**  
  
**THE NATIONAL PARTY**  
  
**OF THE**  
  
**NORTHERN TRANSVAAL**

Date: 28th May 1993



## INTRODUCTION

The demarcation of our Region should be approached in a manner which will enhance and promote the building of a single South African nation as priority number one. We believe this goal can only be achieved if there are relatively strong regional governments supporting a strong central government.

The Regional demarcation must be done in such a way to enhance economic growth and acknowledge cultural and linguistical differences as well as historical boundaries. A fine balance must however be obtained between all the afore-mentioned criteria in order to ensure the goal of one nation but also to enhance healthy economic competition between the different regions.

Geographically our Region should be a coherent single entity to contribute towards effective administration. If in the final analysis our Region is found to be too big for effective single administration the idea of sub-regions with sub-regional administrations should be explored. Such sub-regions should however not be demarcated along current homeland boundaries as that will lead to the isolation of the different ethnical groups in our Region with a strong possibility of a recurrence of the current problems in the homelands and TBVC states.

Although a sound economic and fiscal base is relatively important it should not be the final determining factor. If for instance, Pretoria and part of the PWV Area are included in our Region in order to improve the fiscal base one might find that the current Northern Transvaal, which is generally regarded as "laid-back", will in such a dispensation not benefit much from available development funds as such a Regional Government will tend to concentrate on those areas with the highest conflict potential i.e. Pretoria and surrounding PWV Area. It is therefore imperative that our Regional Government be as near as possible to our people in



order to effectively address the needs and problems of the Region. We believe this can only be obtained if our Region does not form part of a bigger Transvaal Region but of a smaller Northern Transvaal Region.

Even a smaller Northern Transvaal Region will still be so vast that the division thereof into sub-regions may be essential. Therefore, if the Northern Transvaal Region becomes part of a bigger Transvaal Region, Regional Government will most probably be seated in Pretoria which has proved in the past to be inefficient and too far from our people in the Northern Transvaal.

We therefore want our Regional Government as near as possible to our people with direct access to Central Government Sources.

## PROPOSAL

Our proposal for a Greater North Region is as follows:

- The current Development Region G is used as a point of departure with all Lebowa and Gazankulu areas included along the Southern borders of the Region in order to respect historical, linguistical and cultural boundaries
- The Southern boundary will run along the Sabie river from Sabiepoort in the east past Hazyview up to Emmet. From Emmet it will run along the watershed to Langspruit, Hebron, Waterfalls farm, Geluk, Rosshaugh, Sibthorge, Houtbosloop, Weltevreden, east of Badfontein and Donkerhoek, down to Patattanek and Bambi, Wilgekraal, Wilge, Waterval, Izaak, east of Klipbankspruit, Kliprivier, Pietersburg, across the Klein Wars River, South of Steelpoortpark, South of Swartkop to Die Toring, Elandslaagte, Baviaanskloof, north of Haakdoorndraai, north of Weltevreden, just south of Groblersdal to Matlala,



north east of Kgobokwane along the borders of Kwandebele and Bophuthaswana, over Buffelspoort, south of Boskop, again along the border of Bophuthatswana up to the horn near Lotteringskop, over Mooiplaas to Derdepoort. The northern and eastern boundaries will logically be the current borders with neighbouring countries.

- We believe the revenue that emanates from tourism in the Kruger National Park should be shared on an equal basis by the Northern Transvaal and Eastern Transvaal Regions and the Park should therefore be jointly administrated. If this is not feasible a natural border would be the Sabie River.
- As far as the Western Boundary is concerned the possibility of including the area which was intended to be included in Bophuthatswana in 1987 can be considered for inclusion in the Western Transvaal/Bophuthatswana Region although this will deprive our Region from the income generated by the mining activities in that area. However if we want to keep to the principal of cultural and linguistical homogeneity as far as possible the area west of the Krokgedil River should be strongly considered for inclusion in the Western Transvaal/Bophuthatswana Region.

## CONCLUSION

Although this proposed Region will without a doubt be one of the poorer Regions in the RSA we believe that it has a tremendous potential for future growth and development as it will become the gateway of South Africa to the rest of Africa. This Region has it's fair quote of minerals and the mining industry in this Region has a promising future. Raw minerals/materials currently being exported from Africa through our Region and South African Harbours can be refined in our Region before being exported. Tourism holds a key to prosperity in this Region with the Kruger National Park being the big draw card for tourism throughout our Region.



The inhabitants of the current Region G have learnt over the years to accept and respect each others cultures and although we have three different black ethnical groups (Shangaan/Tsonga, Venda and Northern Sotho), white and coloured people in this Region the relations in this Region is such that we have relatively few incidents of violence and unrest compared to the rest of the country.

In conclusion we want to emphasise that we as the National Party in the Northern Transvaal believe that our proposals hold the key to a stable and prosperous future for our Region.

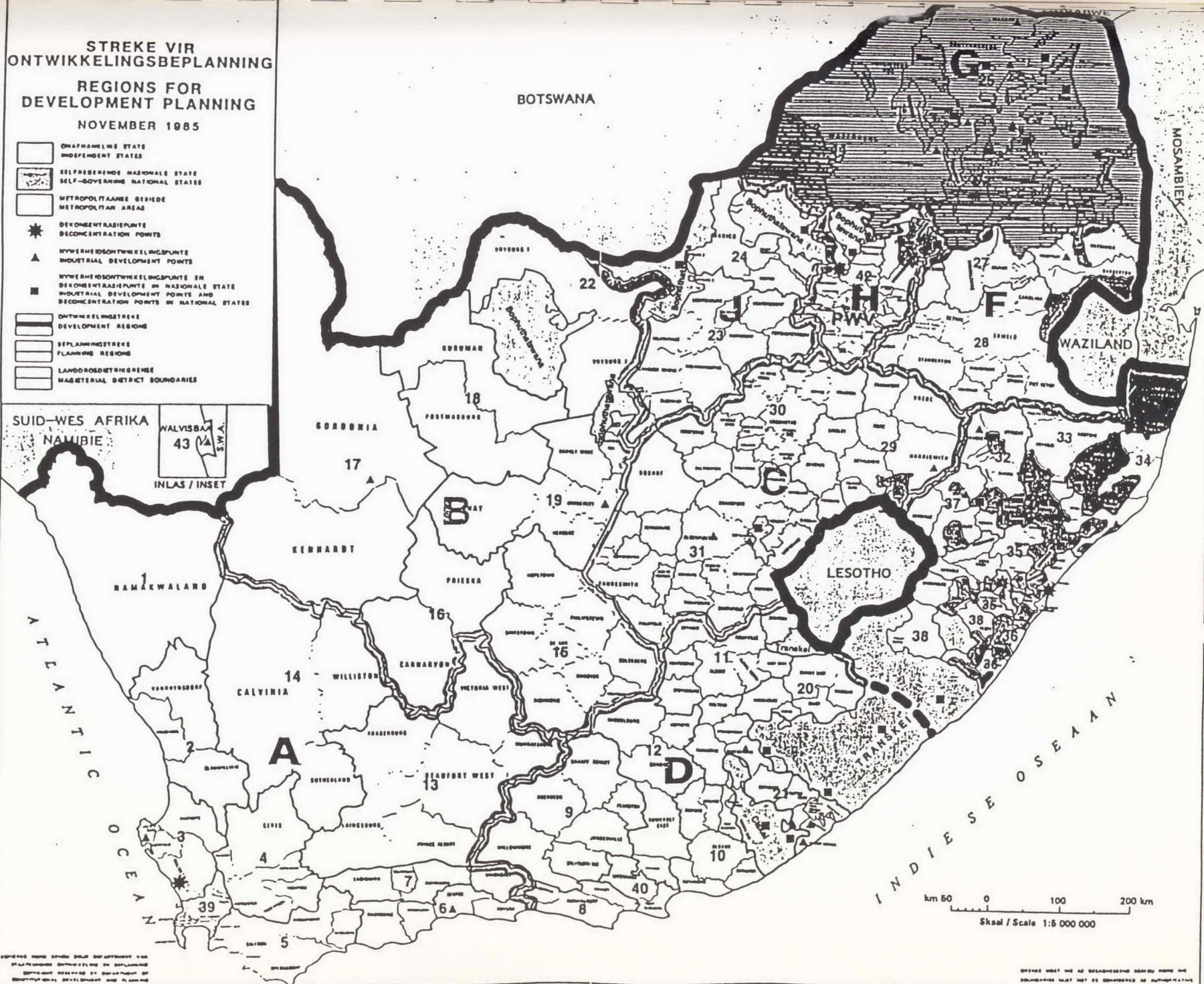
**THE NATIONAL PARTY OF NORTHERN TRANSVAAL**



**STREKE VIR  
ONTWIKKELINGSBEPLANNING**  
**REGIONS FOR  
DEVELOPMENT PLANNING**  
NOVEMBER 1985

-  ONAFHANGIGE STATE  
INDEPENDENT STATES
-  SELFREGERENDE Nasionale State  
SELF-GOVERNING NATIONAL STATES
-  METROPOLITAANSE GEBIEDE  
METROPOLITAN AREAS
-  DEKONSTRASIEPUNTE  
DECONCENTRATION POINTS
-  NYWEREIDONTWIKKELINGSPUNTE  
INDUSTRIAL DEVELOPMENT POINTS
-  NYWEREIDONTWIKKELINGSPUNTE EN  
DEKONSTRASIEPUNTE IN NASIONALE STATE  
INDUSTRIAL DEVELOPMENT POINTS AND  
DECONCENTRATION POINTS IN NATIONAL STATES
-  ONTWIKKELINGSTREKE  
DEVELOPMENT REGIONS
-  BEPLANNINGSTREKE  
PLANNING REGIONS
-  LANDROSDISTRIKSGRENSE  
MAGISTERIAL DISTRICT BOUNDARIES

SUID-WES AFRIKA  
NAMIBIE  
WALVISBAY  
43  
INLAS / INSET





**Annexure 3**

Democratic Party

SUBMISSION TO THE COMMISSION ON REGIONAL DEMARCATION NORTHERN  
TRANSVAAL IN A CONTEXT

1. INTRODUCTION

Since the start of multi-party discussions around constitutional issues there has been a convergence around the issue of devolving power to regions. This has led to a strong debate around second and third tier government. It is therefore necessary, if not urgent that the Northern Transvaal, hereinafter refer to as "the region", must debate some of the issues which will influence its future. Naturally, boundaries form the very basis of the debate, because, they determine consequently who should vote, where and for whom.

Boundaries determine the form and content of the electorates, hence political organisations/parties have vested interest on how boundaries should be drawn. To engender the debate around how the boundaries should be demarcated, I hereby submit that the following shall form the basis of drawing our boundaries.

- (i) Economic implications
- (ii) Promotion of democracy
- (iii) Administration

I am not tempted to touch the question of ethnicity and/or historical boundaries. In some quarters these issues are label as realities, but in essence, they can become the ingredients for ethnic cleansing. Our history is distorted by many factors, and colonialism, played an import role in that regard. It is in this context that I fail to understand how crucial is history and language in determining the boundaries, least we allow the apartheid ghost to haunt us. We must not slide into the abyss of "we" and "them" in reference to our countrymen in other regions. Significant consideration must also be given to norms used internationally. These norms must then be contextualized and be given a South African perspective.



## 2. ECONOMIC IMPLICATION

Probably the single most logical and important, consideration in drawing the boundaries must be the ability of the region to sustain itself and become economically independent. This will have positive spin-offs in many respect, I would not at this stage engage myself in that debate, but one hopes that the emerging deliberations within the region will tackle this aspect, suffice to say that the need to balance, this consideration with other issues will be important. One note that the whole question of economic implication, is also linked to the powers, functions etc, that must be devolved from the centre to the region. The question of the ability of the region to engage in a sustainable development programs, is crucial also in determining the boundaries of our region.

It is in this regard that one proposes the addition of the following areas in the region. The town of Burgersfort and Steelpoort. It is also clear that the control and management of the Kruger National Park could best be serve by the total inclusion of the Park into Region G, or alternatively, joint management of the Park with region F. This will facilitate a consistent administration of the Park. The other alternative could be to declare the Park a "no man's land" and let it be administered by the central government. Since the Park is not humanly populated, it will not be in the interest of the commission to further pursue it until a thorough research has been conducted. The Park could emerge to be the leading inland tourism attraction, thus, assist the region as an income generating source.

As one has noted, that, the inclusion of the towns of Burgersfort and Steelpoort will amongst others confirm the principle of allowing the flow of goods and services especially amongst towns on border lines, to be an important determining factor. These towns (see Location and Size) will add value to the region, primarily because they are been serviced mostly by people from the region. The debate surrounding the exclusion of the area, south, and south-west of Thabazimbi, does not have substance, the mere argument that the areas are dominated by Tswana speaking people, smack of classical Apartheid. It is the economic activity of the people in the area, whom majority service the mining town of Thabazimbi which should be a criteria.