

OCCASIONAL PAPER

# Does a new South Africa need regions?

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*A paper delivered at the conference on  
Structures of Government for a United  
and Democratic South Africa  
held at the Community Law Centre  
March 1992*

COMMUNITY LAW CENTRE  
University of the Western Cape

Published by the Community Law Centre  
University of the Western Cape

1992

**PRICE: R2,50**

*Available from:*  
Community Law Centre  
University of the Western Cape  
Private Bag X17  
Bellville 7535

*Tel:* (021) 959 2950/1  
*Fax:* (021) 959 2411

Printed by Allies Press, Elsies River

## 1. INTRODUCTION

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Before addressing myself to the topic of my paper, I would like to comment on the political situation in the country as it is reflected in utterances made by South African ministers as well as submissions by the South African government to Codesa. The success of what we are going to talk about today depends on the attitude of the South African government to real change.

The unfolding scenario after the white referendum shows South African politics in a state of confusion. Statements by South African government ministers are bound to heighten tensions and harden attitudes in the ranks of the oppressed. These indicate that the De Klerk regime dreads the implications of the looming spectre of full democratisation of South African society. They epitomise a vain, last-ditch attempt by the Nationalists to cling tenaciously to power at all costs.

The bellicose tactics and belligerent mood of the National Party leadership is at variance with its commitment to a peacefully negotiated settlement and points to a sombre reality that political diehards in National Party ranks are gaining popularity. In this situation one cannot rule out the possibility of the re-entry of securocrats onto the white political scene. Recent developments show that they are rearing their ugly heads, and are intending to become a political force and power behind the throne. This does not augur well for the future.

What one reads into National Party statements is that they construe their landslide victory as a mandate to relentlessly safeguard and defend white supremacy. Previously, they thought the National Party was losing support to the right – they did not anticipate the degree of

white electoral support for change. They treat the fresh mandate as a means of prolonging their stay in power, of delaying or even scuttling the negotiation process by making demands they know cannot be met by their rivals. Their intention is to discredit the black leadership espousing negotiation and to undermine its support base.

Blacks are not so puerile as to be beguiled by these hollow strategies. If the National Party insists on its new pre-conditions to the installation of an interim government, the growing black militancy and radicalism will boomerang in their faces. It is they who will resent the repercussions of their lack of foresight – the enfranchisement and the consequent political and economic empowerment of blacks cannot be halted by a few whites with no vision for the country. It would be an unsurpassed blunder in history if the Nationalists underestimate the fury and wrath of the African masses at this stage in South Africa's political development. Black longing for effective political power cannot be stemmed by any means at the disposal of the white community. They have suffered for centuries and they are not prepared to lose the grip they have of the process of change in the country when they see the light of participatory democracy at the end of the tunnel.

Endeavours to undermine black leadership by making demands amounting to political blackmail will be resisted with all the might blacks have. No force on earth can withstand the determination of a people to be free.

I have been asked to address this gathering on the 'need, powers and boundaries of regions'. This question is inextricably linked to the question of whether the new South Africa will be a federal or a unitary state. One cannot decide on the powers to be assigned to regions unless one knows whether or not the regions will enjoy some measure of autonomy.

Consequently, when dealing with the question whether there is a 'need' for regions in a future South Africa, I will of necessity have to deal with the question as to whether we should have a unitary or a federal state. Once that question has been answered then it will be easy for all of us to understand better my reasoning with regard to the



extent of the devolution of power to regions. I shall now deal with the need for regions.

## 2. THE NEED FOR REGIONS

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In a policy document the ANC has the following to say:

It is obvious that an over-centralised government in which all decisions are taken at the top and the people are left out of the process is not good government. *We favour effective and accountable unitary national government for national tasks, effective and accountable regional government for regional tasks and effective and accountable local government for local tasks. We favour decentralisation, local participation and local initiative.* What we are against is schemes to lock the riches of the country, the beautiful suburbs and industrial areas, into autonomous territorial units while the majority of the people are forced to live in squalor in the country's backyards. We reject, therefore, an artificial federation or constitutionally entrenched separation of local authorities from the national structure which would weaken central government. *We believe in the legitimate restrictions on the power of the government, but not in its immobilisation.* (Emphasis added)

From this statement it is clear that the ANC sees regional government as a system meant to afford inhabitants of a region the opportunity to have a say on matters affecting such regions and also as a means of restricting, to some extent, the powers of central government.

The National Party's constitutional proposals state that there is a need for regions to ensure that 'the needs, aspirations and problems of the residents of such a region are properly accommodated'. They go further and state that regions are necessary for purposes of ensuring the protection of group interests. They go on to say that, 'in the constitutional sphere the political party is the most effective means

of furthering the interests of such groups. They then advocate the election of *autonomous* regional governments with legislative and executive powers. They refer to this type of arrangement as 'original and entrenched authority with which the other tiers of government may not interfere'.

To summarise, therefore, the National Party regards regional government as being necessary for purposes of bringing government closer to the people also for purposes of ensuring the protection of 'groups'. However, they do not define clearly what they mean by the term 'groups'.

These contrasting positions form a useful starting point for a discussion on the need for regions and the powers to be accorded such regions. Since the Transkei government prefers a decentralised unitary state as opposed to federalism, I will deal briefly with these two constitutional models before outlining the reasons why I feel a regional government within a unitary state is a must for South Africa.

The main features of regionalism in a decentralised unitary system can be summarised as follows:

- (a) Decision-making powers are distributed by devolution on a geographic basis;
- (b) the powers are derived from decentralisation from the central government which means that they can be extended and limited;
- (c) the spheres in which autonomy may be allowed vary according to the needs of the inhabitants;
- (d) the regions have no sovereign legislative powers;
- (e) the degree and extent of autonomy may vary from region to region; and
- (f) a single sovereign parliament is retained.

The features of a federation are:

- (a) It consists of a central government with sovereignty in national affairs;

- (b) each of the constituent units of the federation has its own legislative, executive and judicial institutions which can make and implement decisions autonomously;
- (c) the decision-making powers of the two tiers of government are so divided that each interacts directly with individuals under its jurisdiction;
- (d) the division of powers between the central government and constituent units is laid down by a written constitution and does not depend on the whim of the central legislature;
- (e) the constitution contains the rules providing for settlement of conflicts between the tiers of government; and
- (f) the division of the above-mentioned powers is enforced and maintained by a judicial body.

It is clear from the above summaries that both models accord regions a say in government. However, the essential difference lies with the extent of the devolution of power to regions. It is also clear from these summaries that the basic objective of regionalisation is to enable inhabitants to decide on matters affecting their cultural and regional interests.

It is my honest view that any system of regionalism stands a chance of success only if the inhabitants of this country feel that there is a real and practical need for it. A regional form of government, therefore, depends on the needs and views of the people.

In my view a system of regional government ought to be used simply as a technique in the administration of a country. South Africa is too big to be treated as a unit for purposes of efficient socio-economic planning. Safeguards aimed at preventing abuse of power at the central level, however, also need to be introduced. Having said this, I will proceed to address the need for a unitary state with a regional government in South Africa. First, I will deal with the advantages and disadvantages of the two constitutional models referred to above.



The advantages of a unitary system are:

- (a) Relatively simple administration of the country;
- (b) uniform legislation and a uniform system of courts;
- (c) lower administration expenses; and
- (d) speedier and more efficient administration than in a federation.

A unitary system is characterised by relative simplicity with accompanying cost benefits. This is an important factor in a developing country. Deadlocks in such systems are resolved by majority vote, which means that decisions can be taken and implemented quickly and effectively.

The disadvantages of a unitary system can be summarised as follows:

- (a) Unless specific mechanisms such as proportional representation, the constitutional protection of minority groups and limits to the sovereignty of parliament are built into it, the unitary system leads to domination by the majority, and in a heterogeneous society this may result in large-scale conflict;
- (b) domination by the central government may result in the special needs of regions or areas being undervalued, and in a society characterised by appreciable differences in development at the regional level this may lead to severe instability;
- (c) the particular disadvantages of the Westminster system are as follows:
  - (i) The constituency system, which is based on a winner-takes-all principle;
  - (ii) an executive consisting exclusively of members of the majority party, which leads to domination by the majority; and

- (iii) the confrontational style of debate in parliament, which in itself creates a climate of conflict and hinders efforts to achieve consensus.

The advantages of federalism are:

- (a) Allowing as it does for a high degree of decentralisation, federalism limits the exercise of power by the central government;
- (b) decentralisation also succeeds in catering for regional needs by providing autonomy on a geographic basis;
- (c) if a particular minority group has a strong regional concentration or if corporate federalism is employed, federalism satisfies the need for autonomy and effective participation by such minority group;
- (d) a federal structure, based on a rigid constitution, is difficult to alter. Consequently, transient governments are discouraged from tinkering with the structure itself;
- (e) federalism can build up great unity in diversity;
- (f) federalism allows participation at both the central and regional levels by a very broad spectrum of individuals;
- (g) these various adaptations give the system greater legitimacy and make parliament more accountable to all its people; and
- (h) federations have inbuilt delaying mechanisms that make for a fairly slow legislative process. This ensures in-depth discussion and expert evaluation of all draft bills instead of hurried promulgation.

The disadvantages are:

- (a) Fully autonomous governments at regional level lead to duplication of services and institutions. Federalism is generally an expensive system of government;

reached. In 1982 the Development Bank of South Africa published proposals for the creation of nine economic development regions for the country. To a large extent, the criteria used were similar to those listed above. The Law Commission has recently recommended that regions for South Africa be demarcated according to the boundaries of the economic regions.

They have also added a further qualification, viz. that boundaries should not be so drawn as to meet the election or voting requirements of a particular political party. They also state that boundaries should not be 'artificially arranged to shore up racial privilege or bolster personal power'.

These are sound criteria and no one needs to say more on this. The South African Law Commission and the National Party are of the view that the nine development regions should form the basis of any future discussion on boundaries. Both the Commission and the National Party agree that adjustments will have to be made. The ANC has suggested 10 regions with boundaries drawn up on the basis of the criteria mentioned above. The ANC Constitutional Committee has provided full motivation for its views and one cannot fault it on its approach.

I would like to add a few general observations on this issue. Regionalism based on ethnic divisions is doomed to fail. Objective criteria for the delineation of regions must be used. Regionalism must have, as its basis, the socio-economic realities of the country.

## 5. CONCLUSION

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I wish to conclude by saying that federalism can only be viable if it springs from a positive political or ideological commitment. South Africans have always been accustomed to a unitary system and we cannot now experiment with a system which has not succeeded anywhere else in Africa. We need to strive for a constitutional model which will give real democracy, peace and prosperity for all our

people. Regional governments will contribute in no small way towards the attainment of this ideal. We need a complete break with the past and to move forward towards true freedom and democracy. Regionalism is one of the vehicles open to us. It will give the inhabitants of the regions the opportunity to make decisions on matters peculiar to such regions. Regionalism is also conducive to the more effective and successful handling of economic development programmes, it improves communication with central government and also makes for better identification, development and use of local leadership and resources.

I am happy that Transkeians are contributing to the process of change. With the experience gained in administering a country and a government we have a lot to contribute. I trust that Transkei will be allowed to contribute to the process of transition and change after Codesa has been wound up. There are moves afoot to have Transkeians brushed aside during the proposed two phases of interrim government. If the organisations fighting for liberation, such as the ANC, allow this to go unchallenged they will have, thereby, signed their death warrant. Transkeians contribute immensely to the struggle for liberation. If Transkei is excluded from the process or is forced to relinquish its sovereignty at a rather inopportune stage, the whole political scene will change markedly and there will be only one winner in such a scenario, viz., the National Party government.

I therefore urge all those who are fighting for justice, freedom and democracy in our country to carefully examine the latest proposals by the South African Government, and to ask themselves the question: Who is going to benefit from the ostracisation Transkei? As I said earlier, tactics and strategy are part and parcel of this process. One needs to analyse each proposal carefully. Transkei has, in recent years, been regarded as a 'problem area' by the South African Government, and the knives are out to deal with us effectively. Unwitting acquiescence to such action may so disrupt the process that a dark horse may end up winning the first elections under a new constitution.



Finally, we need to accelerate our drive for the establishment of a constituent assembly. It is our last hope for democracy and the only legitimate body which can give effect to all the ideals projected in this paper.

Thanks go to all those who gave me the present opportunity to share ideas. I wish all those directly involved in the current negotiations at Codesa success. I urge them to put the interests of South Africa, and those of the voteless majority, first.