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Confederal integration:
An economic base for a new dispensation

Prof Karl P Magyar of the University of Durban-Westville argues that change in South Africa should be measured in economic terms and that political and constitutional change would be meaningless without a fundamental restructuring of the economy.

Academic and government efforts to redesign South Africaâ\200\231s political system have produced a vast array of models.! One of these is the new dispensation introduced by the government recently. These proposals underwent the close scrutiny of critics to the right and left of the political spectrum and certainly gave a lot of impetus to the on-going debate.

Proposals range from a system in which the present minority-Ã@litist position will be retained to a system in which a radical assumption of power by a revolutionary vanguard representing the Black majority would be possible. In between is a full range of alternative systems, covering the spectrum from confederation to federation, with the component units comprising either the presently recognised ten homelands along with the huge area under White control, or the homelands and a radically partitioned White South Africa. Where a form other than a unitary system is contemplated, a dichotomy is emerging in which at least the rhetoric of confederalism is offered by the Whites while most homeland leaders are polarising around the concept of federation. President Mangope of Bophuthatswana is a possible exception.2

Prime Minister Botha has in the past publicly stated his preference for confederalism. In 1982 he said: $a\200\230a\200\230$ We believe that a confederation of states is in the best interest of every inhabitant. $a\200\231a\200\2313$ This has also been the official view of Ciskei. 4 And it does indeed seem that a $a\200\230a\200\230$ confederal twilight zone $a\200\235$ appears to exist at present.

However, the current proposals for a new constitution have made no reference to such relationships, and we are left to speculate whether the topic of federation and confederation will be revived again now that the issue of the new constitution has been settled.

Proposals for change, whether government plans for limited power-sharing or academic studies of radical partition, focus mainly on political reforms. Considerably less attention is paid to fun-

damental economic changes.° First there is no reason to assert that radical constitutional changes must precede fundamental economic reforms. Indeed, the opposite will be argued as a preferred method. Secondly, this one-sided analysis which ignores economic reform is especially lamentable as South Africaâ\200\231s ruling élite has distinguished itself very impressively in the economic realm, yet is not capitalising on this natural advantage in the new constitutional proposals.

It can be argued that while the hitherto disenfranchised sectors of South Africa may clamour for political power-sharing in the initial stages of reform, a very substantial portion of all change will be measured in terms of improved economic benefits and opportunities. If this contention is valid, the proposed reforms may not only experience little success, but may actually exacerbate the prevailing conditions.

Certainly the government has referred to the need to address the problems of economic reform. The homeland leaders stand united in at least the call for

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strengthening economic institutions â\200\224 but this centers on the demand for greater benefits to be distributed from Pretoria to the homelands. Several private efforts have focused on the economic component of future change.â\2027 But most of the discussions concerning political reform disregard specific economic institutions and changes when discussing alternative constitutional systems.â\200\235 Here, a system which combines political and constitutional reforms with a fundamental restructuring of the economy in order to facilitate the entry of all sectors of South Africaâ\200\231s society into the modern sector, would be especially welcome.

Confederation and economic change

The proposed system, which responds to the needs for economic and political reform, can best be described as confederal integration. This system begins by addressing fundamental economic questions and then gradually builds the requisite political institutions in response to socio-economic evolution. Political reform will be based on economic change, which should guarantee the emergence of a truly New dispensation.

The beneficiaries in the first stage will necessarily be the members of the union, but with the legitimation of the new political order, the beneficiaries could easi-

ly include all the countries in southern Africa. The symbiotic relationship between

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the impressive economic core of a rapidly expanding confederal South African economic system and the needs and resources of the surrounding associated members could offer Africa the first major opportunity to develop some of its underdeveloped-economies.8 Aneto Confederations and federations have been examined primarily in a political context, and it is not surprising that many analysts have looked to the United States, Canada, Australia or Switzerland as models. These are inappropriate not only because of the difference in historical environment, but also because any southern African confederation will have to be built around the existing White-dominated core, at least in its initial phases. This is not to say that the entire system should be geared towards the retention of the vastly sisproportionate status of the Whites.9 Rather, the system is to be built on the major strength represented by the White sector, that of economic management. Scepticism might be expressed concerning any plans for political change emanating from the White sector. But if this sector responds by channelling its energies into genuine economic reforms, the

demonstrable competence of the Whites in South Africaâ\200\231s economic history could serve as an inducement to encourage the

positive reception of such an attempt. The proposed plan is merely an outline which requires much more analysis and input from the entire political and bureaucratic community it .would serve. For example, a final plan would have to address itself to the prospects of a break-up of the presently constituted Republic into appropriate constituent parts of the confederation in order to reduce the power of the present White sector and to allow the emergence of a variety of iocal or regional approaches to solve or at least to accommodate the incorporation of all social sectors into the $\hat{a}200\234\hat{a}200\230$ states $\hat{a}200\231\hat{a}200\231$.! Another problem that needs more work is that of the incorporation of the large settled urban Black communities into such a confederation. The governmentâ\200\231s previous efforts to extend to this group citizenship in their respective homelands has not met with any appreciable degree of success.!! Basing such an incorporation at the local level on a simple formula of $a\200\230a\200\230$ one man, one $vote \hat{a} \ 200 \ 235$ may not be acceptable to the Whites, or to the Blacks, depending on

the composition of the population in question. Here, the prospect of autonomous \(\alpha \) 200\234\200\230city-states\(\alpha \) 200\231\(\alpha \) 200\235 has been mentioned as one approach which could be introduced at least in the PWV area. The entire approach to \(\alpha \) 200\230\(\alpha \) 200\230homelands\(\alpha \) 200\231 has been built contrary to a broad African historicat trend wherein Africans throughout the continent are not unjustifiably flocking to the cities to pursue economic advantages. Yet the homelands approach seeks to re-establish the Black urban population in the rural areas. Clearly, the acceptance of urban Blacks will have to be addressed by any new proposal.

The discussion concerning a preference for federation or confederation requires comment. The government refers quite frequently to the objective of confederation!2 but there does appear to be emerging a preference for federation by many Blacks involved in the debate.!3 This debate does have the potential of dividing along Black/White lines but considerable confusion rÃ@igns over the operational details of the two systems. The difference between federation and confederation is examined by N J Rhoodie wno cites authoritative sources and concludes:

.. a federation is a single sovereign independent state consisting of a central government and a number of regional ... governments, the respective legislative and executive competence of which is enshrined in a constitution. A confeceration is a leaque. union or association of sovereicn independent states without a central government. Thus it cannot â\200\230governâ\200\231 in the accepted sense of the term. In federation, however, the central government is constitutionally competent to exercise certain legislative and executive powers in respect of all the members of the federal state, especially regarding maners of broad national concern.'*

Rhoodieâ\200\231s discussion of the two systems is relevant to the recent cebate in South Africa and there is no reason to dispute his definitions and analysis. He also recognises the futility of a rigorous adherence to these concepts.!> But we are faced once again with a treatment of the issue in purely political terms when a more comprehensive view, which includes accommodation of a new economic relationship, may offer the realistic context in which one or the other option must be chosen. Hence a system that is not based on excessively rigorous preconceived notions of the political end-product may offer

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greater advantages.

The relevance of external models is limited but there is attraction in arguing

that a loose confederal system ought to precede a more narrow federation as a federation can be developed progressively from a-confederation. should-the component units desire this.'lâ© Arguing against this historical sequence is defensible, however, as in the case of southern Africa, we are starting with a large unitary state that is facing dismemberment rather than a series of fragments seeking unity. In this case a quite logical historical sequence would be a move from federalism to confederation. The crucial variable will be the toleration of secession from the collectivi-

In the light of these problems, a defensible position may be to argue that a confederal system, which is based on a restructured homeland design. a fragmented South Africa!? and possibly the neighbouring states, may realise a greater degree of success if the secessionist provision is included. Should this feature be tolerated and quaranteed to all members, the pressure to produce rapid economic improvements or face break-up will be the central organising interest of the confederation. A federal system would not provide this motivation.

A confederal system that centers on the task of providing real economic development could offer better prospects for progressively increasing political cooperation via the $\hat{a}200\230\hat{a}200\234\hat{a}200\230$ spillover $\hat{a}200\231\hat{a}200\231$ effect (to use terminology from the European Community). By contrast, a federal system may soon experience the demand by the poorer constituent members for a simple redistribution of economic advantages under the direction of the central federal government. In the absence of the right of secession to pursue economic development outside the federal state, the poorer constituent members would scarcely be able to bargain as community equals in a federation. The result would be the quite familiar continuation of unequal development, the reliance in the end on a charitable response for redistribution, and the emergence of the old rhetoric of neoimperialism, dependence, and exploitation. Members must be given the right to secede $\hat{a}\200\224$ the ultimate test for political sovereignty â\200\224 without which it can hardly be hoped that neighbouring countries

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such as Lesotno or Swaziland will consider joining.

Federal governments have a historical tendency to get stronger. Should a South African federation be dominated by Whites or Blacks, the other group will quickly lose interest. What is needed then is a looser grouping of states, each of which pursues social justice among its own members, which requires the bargaining process to be conducted at the local constituent level. An unprecedented system is recommended, that purely for reference, can best be described as something less than a federation but more than a classic confederation, having some characteristics of the European Community but with a greater Gegree and variety of joint communal powers. This allows the individual member to secede â\200\224 but in full awareness of the economic and political consequences he would suffer. Each member is tied to the confederation by a realistic expectation to develop his economy as a consequence of confederation. Should this not materialise, the member can hardly be expected to remain within the union. Accommodating a disenchanted member's economic needs may well be in the interest of the other members who realise that the fragmentation may be an indication of other secessions to come. Besides, the other Black states in the union will not want to decimate their political ranks.

Other reasons could be cited for encouraging all members to remain in the confederation. These concern greater international political and strategic issues. But another assumption is made. Should this new system be legitimised in the greater international community, the entire economy of southern Africa should receive a considerable boost due to the mushrooming of internal demand and productivity associated with economic expansion and modernisation and due to considerable external economic interest that would be generated in this new unit which has overcome years of foreign investment restraint. This new economically orientated confederation could enrich itself if it provided for the needs of Black Africa alone.

Confederal integration, then,

postulates that confederation is the end, but economic integration is the means. The most relevant model for this form is the history of post-World War | I Europe as it developed into the European Community. What brought the Europeans together was a healthy desire to curtail political

animosity with each other and to pool their

strength to ward off Americaâ\200\231s economic influence and Russia's Strategic threats. The parallels with South Africaâ\200\231s situation are not too distant. There is a need for resolving peacefully the looming political disputes within South Africa and in the greater southern African region. And at the international level, Europe's recognition of Americaâ\200\231s economic might in the 1950s finds a valid analogy in the need to pool the economic resources of the southern African region to ward off the vastly superior economic bargaining power of the industrialised countries, 18 In strategic terms, the parallel also exists in that a large. stable and economically integrated region will act as the best deterrent against meddling by external forces. In fact, should it be possible to reduce the present vast military expenditures, the amount of capital available for investment in economic development would be quite impressive.

The process of building Europeâ\200\231s economic community began in 1952 with the establishment of the European Coal and Steel Community (ECSC).19 No federal institutions were Proposed but a Supra-national authority was established and charged with the responsibility of developing Europeâ\200\231s coal and steel resources. What distinguished this agreement from the more usual international alliances was that the supra-national organisation was given actual and real authority and allowed to initiate regulations.29 This was the key to the associated agreement upon which was built the edifice of the European Economic Community.

Within the southern African framework, the initial areas of authority falling under the confederal commission would be much broader. These would be agreed upon during a series of convocations of representatives who would also negotiate the articles of confederation. The crucial requirement would be that the confederal commission would exercise unchallenged real powers which are vested in them by

negotiated treaty with a confederal con-Stitutional court ruling on confederal and constitutional disputes. The confederal commission would comprise representatives of all members and similarly constituted to the Commission of the Euro-

_ pean Community. This body--will bring -

together the coveted power sharing among the various races whose authority in confederal integrative matters as agreed to by the treaty of association shall be final.

Structure of confederal integration for southern Africa

Membership

1 Initial: South Africa (or the dismembered segments); existing independent homelands; other homelands to be developed as independent units; any combination that emerges from the negotiation process, such as a multi-racial Natal, etc.

Associate membership to be extended to Lesotho, Swaziiand, Botswana, Namibia, either in preparation for full membership or some form of permanent but limited associate status. Future invitations: potentially Mozambique, Angola, Malawi, Zimbabwe, Zambia. An associate membership, but not full membership, could conceivably be extended to these areas in the future.

Political structure

An advanced confederation with limited confederal authority in only mutually acceptable areas. All residual authority to remain at the constituent level.

Recommended initial areas of confederal authority

1 Regulation and management of unrestricted trade among all members and management of common external tariffs.

The management of free factor flows for production throughout the region. Control and regulation of labour supplies to ensure employment primarily for confederal citizens. By controlling

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external labour migration, the national development of the community's labour supply will be ensured. Regulation and management of mineral exploitation (to be precisely defined by negotiations.)

Establishment and management -of a

Regional Development Authority to ensure the development of the poorer members of the community.

Maintenance and development of the transportation and communications infrastructure throughout the confederation.

The Southern African Development Bank.

Additional authority to be considered in the future

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2

Management of a common currency, perhaps a new southern African unit. Establishment of relations with the European Economic Community and with other regional integration efforts in Africa to study and to coordinate the continentâ\200\231s development.

Pooling of overseas diplomatic representation to avoid costly duplication.

Development of joint trade and investment offices to extend overseas ties and to search for new investment capital.

Establishment of central common research and development efforts in agriculture, energy, ecology, etc. Development of common energy resources and policies.

An agricultural policy.

Establishment of community training facilities for technical and managerial requirements.

Protection of community citizenship.

Institutional structure

1

A commission with one representative from each member state, responsible for implementing and managing all delegated confederal authority. Chairmanship of the commission is to be on a rotating basis among the commissioners. Each commissioner is to be in charge of certain functional areas. The commission is also to preside over the

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Note:

confederal authorities dealing with minerals management, labour resources, the development bank, etc. Confederal ministerial council, authorised to enact legislative proposals and to initiate new policy directions.. The council is to comprise one confederal minister from each member state. They are to hold cabinet rank and represent the head of the member governments at confederal level. Confederal court of justice with authority to adjudicate conflicts emanating from only confederal activities. Members to come from member states.

Confederal professional staff responsible to the commission, charged with furthering the interests of the confederation. Though comprising members in proportion to populations of each state, they are to remain loyal to community interests (as in the case of the European Community).

Unlike the European Community, no confederal parliament is envisaged, at least in the beginning.

Confederal management

1

Headquarters for the confederation are to be established in one of the centrally located member states.

Financing of the confederal structure and programmes is initially to come from negotiated member contributions; later, independent finances are to be collected from community tariffs and a confederal taxation system, perhaps partially from mineral exports receipts.

Voting within the confederal ministerial council, the court of justice, and in the commission is to be determined by negotiated formulas. This will be a sensitive issue as the

sovereignty of all members must be protected while ensuring that confederal progress will not be impeded by a small minority. (The EEC offers certain models for such voting systems.)

The -Confederal Commission will be responsible for the formulation of development plans to ensure that:

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costly economic duplication between members is eliminated and that complementary economic activities are encouraged; agricultural self-sufficiency among all members is attained;

iit:: import substitution reduces-external import requirements; industrial diversification is pursued and that certain categories of industries are located in the predominantly Black states; timetables for the attainment of certain levels of economic development for all states are drawn up and closely monitored; and mineral exports are rapidly reduced and value added by refinement and processing, as well as by further manufacturing to the benefit of all members of the community.

Confederal transition schedule

1

Present plans for land allocations to the homelands are simply unrealistic as they will not facilitate the building of viable ethnic and political communities. The fragmented communities must be joined into substantial geographic units. Resettlement of some portions of the White and Black communities may be necessary but should be negotiated to the satisfaction of all affected communities. Resettlement must be based on plans to offer the affected populations a viable and adequate economic opportunity.

An initial conference should be called to enable the various leaders to review their demands and conditions for such a confederation. A subsequent conference is to be called with the Republic of South Africa to explore mutual interests in confederal integration. Working groups (who may call in external advisers and analysts, especially from the EEC) are to study the procedures and consequences of

sectoral integration with a common deadline for their reports. Representation from associated and potential future members is to be encouraged at these exploratory meetings.

A conference is to be called among representatives of all potential member

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States to review the reports from the working groups. Ministerial representatives from all governments are to Prepare a Treaty of Confederation. The draft is to be studied by each state for a limited period of time. Another conference is then to be called to negotiate the final terms of the treaty. A signing ceremony for the treaty by all heads of governments would enact the Southern African Confederation. Headquarters, commissioners, confederal ministers, courts, professional Staffs, etc, are to be established immediately thereafter and are to begin operations by a predetermined date. No confederal regulation should prevent any voluntary federation among any member states, provided this is done via bilateral agreement.

The provision for associated states is to be negotiated among the members of the confederation.

New members are to be admitted

upon application, unanimous acceptance by all extant members, and a period of adjustment in accordance with each case judged individually.

Political dimensions

1 The well-developed economy of

South Africa in its Present form will remain at the center, and serve as the Catalyst for economic development of other members.

Labour wages of all community members should increase progressively as the consequence of increased production and of the control of external labour resources.

The legitimisation of the confederation should invite a flood of new investments from the OECD into the confederation.

With a more equitable distribution of income from mining to all members

of the confederation, the weak members will be assured developmental funds. Whites will t encouraged to develop the hic

technology and service industrie which are characteristic of all pos industrial states. Increased deman for these industries should accru from the rising wealth of all member of the confederation, thereby assuring the White sector of no loss in reaincome.

The confederation should attain rapic advantage as a cohesive and substantial economic bloc in international economic transactions. This should influence the rest of Africa which may well develop along the lines of the southern African integrated community.

Any alternative transition to a major political readjustment in South Africa will carry the risk of destruction of a substantial portion of the existing

CONFEDERAL LEVEL

Confederal Ministerial Council

Confederal Coun of

Justice

Confederal Commission

Labour Authority

Professional staff

Development Bank | |

 " Other
% national
â\200\230 , institutions
; 7 Ministers/ Cabinet
a 1
Confederal Minister
PROPOSED STRUCTURE FOR CONFEDERAL INTEGRATION
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economy. This will favour no group in either racial community.

The currencies of all members should be greatly stabilised by the establishment of this large economic bloc.

_ Political stability in the. confederation. should be greatly enhanced due to the interlocking of economies. Any member will be able to withdraw, but the advantages of membership and economic stability should discourage this.

9 With the improvement in the welfare of the Black population, political relations with the White sector should be greatly enhanced.

This plan builds on the present structure of the homelands concept, although in a substantially modified form. The utility of the controversial homelands policy may be realised in that the homelands serve at this time to develop the bureaucratic requirements for the member states. They also offer an opportunity to develop an alternative _ political culture to that of White South Africa. Social relationships are to be solved at the local level to reflect the local distributions of ethnic groups.

With the retention of the skilled Whites in the confederation, the new economic community will be assured of the availability of an appropriately experienced and highly capable managerial cadre. It is the lack of this factor which explains the comparatively poor economic performance in the rest of Africa.

Conclusion

South Africa is committed to reform. The attainment of peaceful change is in the interest of all sectors of society and it should receive the support of all members. While the government has redesigned the constitutional system, a major omission is the absence of radically redesigned economic relationships. This is also a major omission in most academic exercises concerning the constitution. But a premise of the present analysis is that political reforms, even much more radical ones than those proposed and which would include the Blacks in the political process,

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will not be judged to be adequate by the majority of those affected if opportunities for genuine economic advancement do not form an integral part of the changes.

The system of confederal integration is offered as a fall-back option should the

reforms prepared by the government pro-...

ve to be inadequate. The advantages of this design are considerable. It preposes a radical restructuring of southern Africa by peaceful means. Starting with a limited economic core, increased economic and political integration can develop all the way to a full federation $\hat{a}\200\224$ if this is desired. Once negotiated to the founding membersâ\200\231 satisfaction, community citizenship could be extended to all members of the constituent states whose representatives will be vested with limited powers in several clearly identified fields. Political pluralism will be maintained in order to allow the constituent states to resolve their internal structures and social relationships. It is not a fully developed system in that many problems at the local level will need much work. But as an integrated confederal society, the international community will have no reason to withhold its _ full support and recognition.

The structure of confederal integration is offered merely as a proposal for further discussions. Many useful details can be learned by an examination of the historical evolution of the European Community which, in its early days, has some relevant parallels with the situation in South Africa.

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