

The Negotiating Council had appointed a Commission , on the Demarcation/Delimitation of States/Provinces Regions on 28 May 1993 (see addendum A) and the Commission reported back to the Negotiating Council and recommended that 9 regions be demarcated (see addendum B). The Commission however acknowledged the fact that the time to do the work was limited, and it was agreed that further work needed to be done (see addendum C).

The Co-Chairpersons of the Commission was requested to do further work on the demarcation/delimitation of SPRs as a Task Group. A report in this regard was tabled on 15 October 1993. This report formed the basis for debate in the Negotiating Council and to expedite the matter, four Ad-Hoc Committees were appointed. They reported on 4 November 1993 to the Negotiating Council and the report was accepted in principle (see addendum D).

Further extensive debate took place in these Ad Hoc Committees and as a result of this, bilateral meetings, and considering all the evidence available, the Negotiating Council agreed on the following adjustments to the boundaries recommended by the Commission on the Demarcation/Delimitation of SPRs (see addendum E) for purposes of the Constitution for the Transition.

(Note: Amendments expressed by magisterial districts)

3.1 That KwaNdebele (including KwaNdebele, Moutse 1, 2 and 3 and Moretele 2) be included in the Eastern Transvaal;

3.2 That Sasolburg be included in the CPS;

3.3 That Mount Currie be included in Natal/KwaZulu;

3.4 That Clanwilliam, Vredendal and Vanrhynsdorp be included in the Western Cape;

3.5 That Kuruman, Postmasburg and Hartswater be included in the Northern Cape;

3.6 That Brits and Bophuthatswana (Odi 1 and Moretele 1) be included in the North West;

That Umzimkulu remains with the Eastern Cape but that the votes cast in the General Election in the district of Umzimkulu be counted separately to facilitate a possible future re-allocation to Natal/KwaZulu, subject to a majority agreement between the parties elected by the voters of the area, or subject to a referendum.

That the votes cast in the General election in the magisterial districts of Pretoria, Bronkhorstspuit, Cullinan, Wonderboom (including Soshanguwe) (ie "Greater Pretoria" ) be counted separately to facilitate a possible future re-allocation to the Eastern Transvaal SPR, subject to a majority agreement between the parties elected by the voters of the area, or subject to a referendum.

That the votes cast in the General election in the Eastern Cape be east and counted in two blocs on either side of the boundary to the east of the districts of Venterstad, Steynsburg, Hofmeyr, Tarkastad, Fort Beaufort, Albany and Bathurst included in the Eastern Province and the rest in the Border/Kei SPR in order to facilitate a possible future division of the Eastern Cape into two separate SPRs, subject to a majority agreement between the parties elected by the voters of a particular bloc, or subject to a referendum petitioned for by either bloc. A 60% majority decision in favour of division into two SPRs by either bloc shall be decisive. However, the committee cautions that this should not create a precedent for any other major boundary change outside the recommendations of this Report, but that any other such further change be dealt with in terms of the relevant sections of the Constitution for the Transition. That the existence of the proposed Northern Cape Region, as amended by paragraph 3.4 and 3.5, shall also be determined subject to a majority agreement between the parties elected by the voters of the area, or subject to a referendum. A 60% majority in favour of dissolving this SPR should be decisive.

The Committee further recommends:

8.1 If a sufficient number of persons in the districts in 3.1 to 3.6 wish to change their delimitation, they may petition Parliament, within one year of the General Election, for a referendum to be held to resolve the matter. Parliament should be obliged to adhere to the petition and a proper body should be established to conduct the referendum within 3 months.

8.2 Provision should be made in the appropriate Schedule of the Constitution for the Transitional Period for the petitioning and holding of the referenda indicated in 8.1.

8.3 Provision should be made in the appropriate Schedule of the Constitution for the Transitional Period for the content of the Schedule to be amended according to the outcome of the referenda, by proclamation.

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8.4 The provisions of 8.1 to 8.3 should also apply to the district of Umzimkulu specified in paragraph 4, to the four districts of Pretoria specified in paragraph 5, the two parts of the Eastern Cape specified in paragraph 6 and in the Northern Cape SPR as specified in paragraph 7.

8.5 The following disputed districts as demarcated by the Commission on the Demarcation/Delimitation of SPRs Should also be entitled to petition for referenda as per the provisions of 8. 1.7t7078.3.

8.5.1 Bushbuck Ridge

' 8.5.2 Namaqualand

8.5.3 Groblersdal

8.5.4 Northern Transkei/ Pondoland

All technical implications deriving from this report with respect to the method 'of petitioning, percentage of signatures required, persons entitled to vote, the drawing up and registering of party lists, specific electoral and referenda procedures and separate counting of votes have to be referred to the Independent Electoral Commission to establish all the necessary conditions/provisions prior to the General Election.

Provision should be made for an enabling clause in the appropriate Schedule of the Constitution for the Transitional Period to enable SPRs to establish sub-regions and that this concept should be addressed by the Negotiating Council.

This adopted report was given to the Technical Committee on Constitutional Issues in order to include provincial boundaries in the draft Constitution for the Transition.

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15/11/93

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ADDENDUM A

- RESOLUTION 12

' , ADOPTED RESOLUTION OF

THE NEGOTIATING COUNCIL MEETING OF 28 MAY 1993

ON THE COMMISSION ON REGIONS/STATES/PROVINCES

WHEREAS there appears to be broad agreement that the most suitable form of government for the future will be one which involves a rational allocation of powers to national and regional

governments, while the differences that exist relate essentially to the boundaries, powers and

functions of the regions/states/provinces and the process whereby such differences may be resolved;

REALISING that regional boundaries will be relevant to the electoral process, as well as to

the structures of the Constitution;

ACCEPTING that the powers and functions of regions/states/provinces are crucial to issues such as the form of state and self-determination, and will be a fundamental part of the constitutions;

CONVINCED that while the demarcation of boundaries is a task which appropriately should be performed by a broadly based body of suitably qualified people, who will hear representations from the public at large and from different areas of the country, issues regarding the functions and powers of regions/states/provinces can at this stage of the negotiations best be dealt with by a smaller technical committee;

DETERMINED to ensure that we achieve a peaceful and negotiated agreement on the democratic transformation of our country within the time frames we have set for ourselves

;

and

HAVING charged a technical committee with formulating as a matter of priority, recommendations on the structures, powers and functions of regions/states/provinces, on constitutional principles and on the constitution making process;

WE, THE NEGOTIATING COUNCIL hereby appoint

Dr Bax Nomvete and Professor Flip Smit

KANCOMMITTEE/CWTR

16 Nov 1993

as Co-Chairpersons, and

Basson Dion. Prof

Bernstein Ann, Ms

Daphne Paul; Mr

Du Plessis Attie, Mr

Gwagwa Lulu;st

Malefo Beauty, Dr

Muthien Yvonne, Dr

9. - Bums-Ncamashe; Chief

10. Nkuhlu Wiseman, Professor

11. Rautenbach Ignus, Professor

12. Reyneke Koos, Mr

13. Steyn Anna, Professor

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as members of a Commission on Regions/States/Provinces to make recommendations to us,  
the Negotiating Council within six weeks, on the delimitation of regions/states/provinces

.  
FOR THE PURPOSES of its recommendations, the Commission shall:

1. Take into consideration, inter alia, the following:

1 .1 Historical boundaries, including provincial , magisterial and district boundaries  
and infrastructures;

1.2 Administrative considerations including the availability or non-availability of  
infrastructures and nodal points for services;

1.3 The 'need or otherwise to rationalise existing structures (including the TBVC  
States, self-governing territories and regional governments);

1.4 The necessity of limiting financial and other costs as much as is reasonably  
possible;

1.5 The need to minimise inconvenience to the people;

1.6 The need to minimise the dislocation of services;

1.7 Demographic considerations;

1.8 Economic viability;

1.9 Development potential;

1.10 Cultural and language realities;

. .

Allow interested parties and persons to submit their views and recommendations within a specified period, which should not be less than one month after an invitation in this regard has been published, and take these into account;

.3. Be free to take cognisance of any other material it might wish to collect; and

4. Take cognisance of any progress made in the Negotiating Council by way of e agreements on constitutional matters. -

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RESOLUTION ON THE REPORT OF

THE COMMISSION ON THE DELIMITATION/DEMARCATIION OF REGIONS

AND THE WAY FORWARD

ADOPTED BY THE NEGOTIATING COUNCIL ON 10 AUGUST 1993

This Negotiating Council meeting on 9 August 1993 at the World Trade Centre in Kempton Park:

17. Noting the various discussions on the Report of the Commission on the Delimitation/Demarcation of SPR's;

2. Confirms that the Report of the Commission provided a useful starting point to the discussion on the delimitation/demarcation of SPR's.

3. Takes note of a number of areas of agreement and some areas of disagreement on the Report identified by the Negotiating Council.

4. Emphasises that the people and communities who would be directly affected by the boundaries of SPR's, should have a further opportunity to contribute to the process of regional delimitation/demarcation, particularly in respect of a more detailed consideration of the boundaries of SPR's, including those highly sensitive areas identified by the Negotiating Council.

Therefore resolves:

To convey its sincere gratitude to the Commission for its valiant effort to prosecute the extremely difficult and strenuous brief given to it by the Negotiating Council, notwithstanding

the extreme limitations of time and opportunity to consult more broadly.

And further resolves that the process be taken further through the following steps:

1. That further submissions are invited from participants in the Negotiating Council and from people and organisations in the sensitive areas identified in the debate in the Negotiating Council.

2. That the Co-Chairpersons of the Commission will work out the modalities for carrying out the undermentioned tasks in consultation with the Planning Committee and invite members of the Commission and the Technical Support Team to assist them to:

2.1 Receive oral evidence in respect of the sensitive areas;

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10 Novu-bu 1993



2.2 Analyse these submissions;

2.3 Prepare a Technical Report which indicates the application of the criteria and the reasons for and against the option in respect of the different

recommended regions; A.

2.4 Evaluate and report on the information available to assist with a view to assisting the Negotiating Council to take a decision on whether the provisions to be incorporated into the Constitution for the transitional period. 7

That the Planning Committee recommends appropriate time for this process in consultation with the Commission. h

2.2 Analyse these submissions;

2.3 Prepare a Technical Report which indicates the application of the criteria and the reasons for and against the options in respect of the different recommended regions;

2.4 , Evaluate and report on the information available to it with a view to assisting x i the Negotiating Council to take a decision on boundaries to be incorporated into the Constitution for the transitional period.

3. That the Planning Committee recommends appropriate time frames for\_ this process.  
" in consultation with the Commission

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7 ' "i ' ' , ADDENDUM D

RESOLUTION BY THE NEGOTIATING COUNCIL ON THE REPORT OF THE  
CO-ORDINATING COMMITTEE OF THE AD-HOC COMMITTEES ON  
THE DEMARCATION/DELIMITATION OF SPR3s

4 NOVEMBER 1993

1. The attached report of the Co-ordinating Committee of the Ad-Hoc Committees and the recommendations of the Planning Committee are hereby tabled before the, :1 Negotiating Council for its consideration. '

2. Having considered the above report, the Planning Committee believes:

2.1 That the differences reflected in the reports of the Ad-Hoc Committees might not be resolved in the limited time available before the Constitution for the Transitional Period is finalised by the Negotiating Council;

2.2 That the issues in this regard are very emotionally charged and contentious and should not be concluded by the Negotiating Council without further processes being put into place by the Negotiating Council;

2.3 That extensive consultation with, and optimal participation by, the local people and organisations is a pre-requisite to a harmonious resolution of the differences; and

2.4 That appropriate mechanisms must be considered to give effect to 2.2. and 2.3.

3. The Planning Committee therefore recommends to the Negotiating Council that:

3.1 The boundaries recommended by the Commission on the Delimitation/Demarcation of Regions be incorporated in a Schedule of the Constitution for the Transitional Period, subject to 3.2, 3.3, 3.4 and 3.6;

3.2 Further attempts to reach consensus by lunchtime on Wednesday 10 November 1993, inter alia, by way of bilateral discussions should be undertaken in respect of the areas identified in paragraphs 1.2, 2, 4.1.2 and 6 of the report by the extended Co-ordinating Committee on the Demarcation/Delimitation of SPRs;

3.3 The recommendations of the Ad-Hoc Committees in respect of the following is accepted:

3.3.1 That the current Provincial/State boundary between Natal/KwaZulu and Transkei should be retained as an interim measure. That would imply that the district of Umzimkulu would remain with the remainder of Transkei whilst the magisterial districts of Alfred and Mount Curry would remain with Natal/KwaZulu;

PLANCOMM/DOCUMENT/SPR

4 November 1993

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