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28 February 1992

Codesa Secretariat   FAX NO: (011) 397-2211
P O Box 307
ISANDO
1600

Dear Sir/Madam

WOMEN FOR PEACE - OUR WRITTEN SUBMISSION TO CODESA

We are writing in response to a call from yourselves encouraging "the greatest possible participation by all interest groups from every walk of life", The Star, February 13 1992. Mention is also made in this letter of "provision having been made for all interest groups to make submissions to the five working groups of Codesa in order that these are taken into account in the deliberations of the working group."

Women for Peace as a national non-political organisation wishes to respond to the invitation for submissions. Our response to the submission is based on the following two issues:-

(a) As a non-political organisation we are prevented from participating in the negotiations at Codesa. In spite of being a non-political organisation we have an input to make and a definite role to play; and

(b) The need for greater participation of women at Codesa and in the future constitutional/political deliberations of South Africa.

We enclose a pamphlet which states our aims and objectives and what we stand for.

Our proposals and suggestions will be made under the various working groups:-

WORKING GROUP 1

Women for Peace along with other similar women's organisations have been working towards the peaceful change to a non-apartheid society for years.

With reference to clause 1.1.4, we have campaigned strongly on many of these issues in the past (copy letters are available on request).

We feel strongly that discussions aimed at the creation of a climate for free political participation are presently involving some so-called political organisations who have not always shown themselves to be champions of peaceful change; nor have they been impartial, something for which our organisation has a very good record.

Although we are a non-political organisation we would wish to make a contribution here - at least that we may put forward some of our leading women (not necessarily publicly known and recognised) who have experience in the political field.

WORKING GROUP 2

Women for Peace requires women to be present at the negotiating table to make sure that the Constitution does not just specify racial equality, but it must include a stipulation on *gender* equality. Gender *inequality* (including outright discrimination against women) in the new South Africa must be seen to be unconstitutional.

The opening paragraph in this submission quoting from the Codesa secretariat clearly embraces women.

In South Africa women make up at least 53 percent of the population. The future of South Africa cannot possibly be determined without the role and support of women at the negotiating table. Historically, women have been grossly politically under-represented in South Africa, because the country is a patriarchal society. Only women can convincingly represent women's rights and interests.

It is important that the new constitution is non-sexist so that women in all walks of life and in all their respective activities and undertakings - social, political and economic will have their rights entrenched.

Women's status in South Africa must be upgraded on the widest scale possible - affirmative action must be taken in this regard not only by the Government of the day, but also by the private sector.

In order to achieve this it is suggested that a Bill of Rights be appended to the new Constitution as an annexure to the clause relating to gender equality.

It is acknowledged that various women's organisations (we are one of them) are working on a women's charter. One hopes that this document will not be too long in coming.

It is imperative that should a constitution-making body be formed (clause 2.1.5 of Codesa terms of reference for working group 2), that women from various organisations, both political and non-political participate.

WORKING GROUP 3

It follows, (especially with reference to (b), above), that women, as natural negotiators, organisers and facilitators can make a great impact in this working group.

WORKING GROUP 4

Over the years, Women for Peace has been involved through its work with the Wonderbox, with South Africans in rural areas - which would encompass the TBVC states.

We have a number of members in our organisation with a special understanding of the needs and aspirations of South Africans in the TBVC states - we would recommend that they be consulted in negotiations on the future of these states.

A special concern of ours is that women in the TBVC states be consulted with regard to their future - that their needs, rights and aspirations be protected and respected.

WORKING GROUP 5

With reference to this group we would ask that all the working groups be requested to be sensitive to the inputs being prepared for consideration at Codesa eg the Women's Charter being prepared by the National Women's Coalition.

Such organisations, which by virtue of their non-political nature have not been granted a formal mouthpiece at Codesa. However, they have taken the initiative regarding women's interests by preparing the Women's Charter and this may well take a while to prepare. They are endeavouring to include inputs from all women's interest groups.
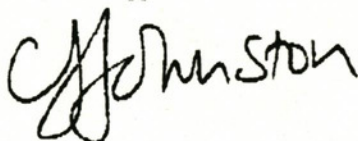
Therefore, the setting of time-scales for the completion of tasks by the various Codesa working groups is of the utmost importance. It is suggested that working group 5 take this into consideration.

In conclusion, we would reiterate that it is seemingly unfair that the Codesa negotiations, whilst seeking to advance the cause of a peaceful transition to a new deal for all South Africans, have seen fit to exclude non-political interest groups, many of whom are women, from the negotiating tables.

Most of these interest groups, many of whom have been active for years, have played a very constructive role regarding the welfare and needs of South Africans. *Because* they are non-political, they have been accepted and trusted by many South Africans.

Such knowledge and experience and expertise really cannot afford to be ignored by those who wish to design our future.

Yours faithfully

JANET SEMPLE (MRS)
NATIONAL CO-CHAIR
WOMEN FOR PEACE

Aims and Objectives:

* To become aware of the needs and problems of all people living in South Africa

* To promote communications and understanding between all races

* To work towards equal opportunities for all

* To utilise the power of women to make the necessary representations and explore all avenues of seeking peaceful change

* Above all to ACT

Founded 1976

WOMEN FOR PEACE

* is a national organisation with Branches around the country
* is committed to bringing women together, and through women, the people of our country
* promotes inter-relationship between people who have had no opportunity to know each other
* works in our various communities to bring hope and opportunity to people who can see no alternative to the achievement of their goals other than violence and anti-social behaviour
* provides a forum through conferences and meetings where women can exchange ideas and philosophies to find common ground and play a convincing role in shaping the future post-apartheid society
* is totally opposed to violence and actively seeks peace and justice for all
* creates public awareness through publications, research and surveys
* is committed to working for a better future for all our children

Branches in:

Klerksdorp

Alexandra

Sandton

Soweto

Johannesburg

Coronationville/EldoradoPark

Benoni

Daveyton

Lenasia

Reiger Park

Kimberley

Plettenberg Bay

Welkom

Cape Town

Branch activities are many and various. They include:- classes in music, literacy and typing, dressmaking, nutrition, crafts; community advice centres; wilderness trails; youth clubs; penfriend clubs; upgrading of school subjects such as English, Maths and Science; creches; the Wonderbox; work with aged and handicapped.

Gay Association
of Inland Natal

P. O. Box 10373, Scottsville 3209

GAIN

February 29, 1992

The Chairman
CODESA Working Group 2
P.O. Box 307
1600 ISANDO

Dear Sir,

This letter is being written in response to the invitation to interest groups to make submissions to CODESA, on the assumption that all such submissions will be seriously considered.

The Gay Association of Inland Natal (GAIN) has the following aims, amongst others:
* To offer an identity and to foster confidence and self-respect amongst gay people;
* To provide an avenue for gay people with similar interests to meet and exchange ideas;
* To provide an effective voice in countering distorted media reporting on gay matters;
* To provide support services for gay people and their families;
* To provide social functions, discussion groups, entertainments and activities of gay interest;
* To encourage social and legal reform by setting a positive example to non-gay society;
* To provide a non-militant, non-party political answer to gay needs.
Membership is open to anyone who supports these aims, regardless of gender, race, creed or language. It is made clear to potential members that GAIN is not an 'escort agency' and cannot condone activities such as sexual acts in public or with minors.

GAIN was established in December 1983 to meet the needs of gay people living in the Natal interior, and has been of assistance to well over 400 local gay people. (Although this may not seem a large number, it must be realized that, because of societal stigmatization, gay people are very hesitant to contact any organization where records might be kept, and this number is thus a minute fraction of the potential membership.) GAIN has previously been involved in efforts to promote law reform (through support for the National Law Reform Fund). GAIN also supported the Organization of Lesbian and Gay Activists (OLGA) in their successful submissions to the ANC on gay rights, and the Gay and Lesbian Organization of the Witwatersrand (GLOW) in their protests to the ANC on homophobia expressed during the trial of Winnie Mandela and others. GAIN also attempts to provide accurate information and advice on AIDS. The members and committee of GAIN are thus convinced that we legitimately represent the concerns of most gay people in our region, and the general gay community of South Africa.

Although there are no accurate statistics available for South Africa, there is no reason to believe that the proportion of gay people in our population is any different from that elsewhere, where estimates have been made. Indications are that 5% to 10% of the population is exclusively gay (being attracted to persons of the same gender in terms of their affections and sexual needs) for all or most of their lives. Another approximately 10% are predominantly gay for a significant period, and a further 20% have incidental sexual experiences involving partners of the same gender. (In view of the short period of notice available to us for submissions to be received by CODESA, we have been unable to do the research necessary to substantiate these figures, but they are based to a considerable extent on those

/obtained by...

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obtained by Kinsey in the U.S.A. in the 1940's; subsequent studies have generally agreed fairly well with his results.) This means that something like 20% of the population is very significantly affected by societal stigmatization and legal proscription of activities and affections which are embedded in their very nature. (Recent studies have shown that genetic, ontogenetic and/or physiological factors during foetal development and very early childhood are probably responsible for determining the sexual orientation of an individual; such orientation is thus entirely beyond anyone's willful control.)

The anti-gay attitudes of society (including legal sanctions which create a category of victimless crimes) are based on irrational fears of the unknown and are thus not logically defensibile. Gay people are no more likely to be involved in criminal activities than the rest of society; indeed, there are indications to the contrary. Proportionally more rapes and molestations of children are committed by heterosexuals than by gay people (when taking the relative numbers of heterosexuals and gays in the general population into account). There is also no evidence that contact with or knowledge about gay people might have any influence on the sexual orientation of a child; such orientation appears to be irreversibly determined before the age of five, if not at birth. Prosecutions for homosexual sexual activities in public result from societal stigmatization which prevents gay people from finding potential partners in more congenial settings. Such prosecutions are, furthermore, often due to entrapment by police (who themselves solicit such activities in the secure belief that a prejudiced society will condone their patently illegal activities).

The leaders of our country need to set the example for the rest of the population in unequivocally demonstrating that irrational prejudice, of whatever nature, has no place in the new society which we are attempting to build.   On behalf of our gay constituency, the Gay Association of Inland Natal thus respectfully requests that Working Group 2 of CODESA recommend the inclusion in a new Constitution and/or Bill of Rights of provisions which prohibit discrimination against any South African citizen on the basis of any inherent characteristic which poses no threat to anyone else. Such characteristics include sexual orientation, in addition to race, colour, gender, physical handicap, home language, religious preference, etc. We realise that the mere inclusion of such a provision will not guarantee an immediate end to the persecution of gay people, but it will be a very important step in the move to a just and free society.

Thank you for your consideration.

Yours faithfully,
Gay Association of Inland Natal

Denis J. Brothers, Professor
(Chairperson)

Humewood 6001
21st February, 1992.

Working Group 2,
    Codesa.

Dear Sirs,
            The General Constitutional
Principles which I believe will
be fair and just for all peoples
of South Africa are:
Sharing Power in Parliament —
that is Equal Representation
of all Ethnic Groups.
These Groups are:
Zulus   — (Inhatha)
Xhosas —   (ANC)
Whites   — (NP)
    Coloureds
    Indians
    Foreigners .
Each Group must be voted in
by its own people enabling
everyone to have a vote.
Each Group must be represented

AUTHOR:

James Grant. with contributions by Professor van der Vyver [appendix B] and Desia Colgen [appendix D].

ACKNOWLEDGEMENTS:

I sincerely thank the following for their assistance:

Laurel Angus:

Desia Colgen:

Malcolm Hartwell.

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The Case for Numerous Regions in the New South Africa

<u>Submission to the Constitutional Committee of CODESA</u>

<u>from GROUNDSWELL</u>

25 February 1992

> *But it is not by the consolidation, or concentration, of*
> *powers, but by their distribution that good government is*
> *effected.*
>
> Thomas Jefferson (1743-1826)

Many constitutional proposals for South Africa recommend that power be devolved to a small number of units. The two most influential parties, the NP and ANC, propose nine or ten regions respectively.

But there are numerous important reasons to suggest that South Africa be divided into more numerous regions (certainly more than twenty) for the purposes of second-tier government.

Firstly, numerous local governments accommodate diversity better than few, and hence there is less cause for conflict.

Accommodating diversity and reducing conflict

In *Ethnic Conflict in the World Today* Martin Heisler observes, "Ethnic differences are the single most important source of large-scale conflict within states, and they are frequently instrumental in wars between countries as well."

Only Switzerland, where ethnicity plays an important role and

shows no signs of diminishing, provides a shining exception to this rule. Ronald Inglehart, comparing survey data of the early 1970s, lists all three of the main Swiss language groups (Italians, French and Germans) at the top of a ten nation ranking in terms of political satisfaction.

The Swiss achieved this primarily by devolving power to numerous small regions, called cantons. Although as small as the Transkei, Switzerland has 26 tiny regions (cantons and half cantons) all of which enjoy numerous powers.

During the course of their history the Swiss developed a tradition of settling conflict by allowing the cantons greater autonomy, or by allowing new cantons to be formed. For example, the canton Appenzell divided into two half cantons to allow for the resolution of religious differences between Protestants and Catholics. Similar measures were used to defuse conflict between city and rural areas; usually it was sufficient to grant more regional powers, but in the case of Basel the canton was divided into the two half cantons of Basel Stadt and Basel Land.

As recently as 1978 the Jura problem, which revolved mainly around language and religious differences, was worked out by a series of local referenda which resulted in the new full canton of Jura (previously comprising communities in Berne) being created in January 1979.

When issues are mediated at the regional or local level, with full involvement of the people in referenda and initiatives, they prove much more tractable than at the national level. This was also the case in the USA prior to World War I when most decisions were

still made by the state legislatures. Jeanne Kirkpatrick observed in an interview with *Policy Review*, "...one of the secrets of stability in our constitutional order was that many of the deepest moral controversies were removed from national politics and left to be settled in communities of shared values."

Devolution to numerous regions encourages the preservation of cultural traditions by allowing regional differences to be expressed. For example, in South Africa the predominantly Zulu population of northern Natal could choose to retain a hereditary monarchy and accommodate traditional chiefs.

Economic and political equality

In "*Majorities and Minorities: A comparative Survey of Ethnic Violence*" (1977)[4], Christopher Hewitt observes that violent multi-ethnic societies are characterised by considerable economic and political inequality. When there is economic parity and minorities are well represented politically, or have territorial autonomy in a federal system, violence is low.

Switzerland has greater political participation and territorial autonomy than any other country in the industrialised world. Political equality between groups has been achieved by local independence, proportional representation in central government, and the system of referenda and initiatives. All of these factors prevent one group from imposing its will on others, and contribute to the balance of power which helps to reduce conflict.

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[4] Annals of the American Academy of Political and Social Science, 433:150-160

The demonstration effect

Secondly, and perhaps more importantly, when power is devolved to many units of government it is easier to compare the relative effectiveness, as well as the consequences, of different policies. In South Africa, as in Switzerland and the USA this would allow people to move away from regions with abusive or incompetent governments to areas with more attractive policies. If those living on regional boundaries were given the option to join the region they preferred, bad governments would find their boundaries closing in on them.

Thus regional governments, like shopkeepers, would be forced to compete with each other for citizens. Good policies would drive out bad, and the ultimate result would be better government for all.

The demonstration effect occurs in all countries where regional and local governments have real powers, but it proves most effective where the regions are relatively small and numerous. In Switzerland the 26 regions all enjoy numerous powers, and the political and economic demonstration effect has proved most effective in bringing about good government.

Fewer bureaucrats

It is often assumed that numerous second- and third-tier governments will result in a proliferation of bureaucrats. The opposite, however, is true.

In South Africa official functions are duplicated as civil

servants in the massive super-structure of the central state make most legislative and administrative decisions and instruct regional and local officials to carry them out. In Switzerland, not only are most decisions made locally, but both federal and local decisions are implemented locally. Moreover, the ever-vigilant voters ensure that their tax money is not wasted. As a consequence Switzerland has the smallest civil service in Europe.

In the fifteen years from 1973 to 1988 the total number of government employees in this country (including those in state corporations etc) rose by 61% compared to an increase of 17% in the formal, private, nonagricultural sector.[5] By comparison, the number of people employed in the Swiss public sector, including the two state corporations, has decreased.

More democracy

Perhaps the most important reason for devolving power to numerous regions is that it ensures that many more people live under the laws of their choice than in a centralised system.

Imagine, for example, two democracies in which all the citizens vote in referenda on whether or not cinemas should be open on Sundays. In the first country, Centralia, decisions are made centrally and imposed uniformly nation-wide. In the second country, Devolutia, there is a strongly regional system.

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[5]It is sometimes suggested that the rapid increase in the number of black teachers is the major reason for the expansion of the public sector. But although the number of black teachers rose by 41% between 1980 and 1986, if their numbers are subtracted from the total the overall rise in employees is reduced only from 23,3% to 22%.

There are four polling stations in Centralia, and four regions in Devolutia. There are one hundred voters in each area. In Area One 80 people vote no and 20 yes, in Area Two 81 people for no and 19 yes, in Area Three 80 people vote yes and 20 vote no in Area Four 80 people vote yes and 20 vote no.

Thus, of four hundred votes are cast, 199 in favour of Sunday cinemas and 201 against. In Centralia Sunday cinemas are forbidden throughout the country, which means 201 people get what they want, but the rest lose out.

In Devolutia Areas 3 and 4 allow Sunday cinemas, whereas Areas 1 and 2 do not. Thus 321 people get what they voted for (and Areas 1 and 2 the 39 people who want to see movies on Sundays but have none in their own cantons can go to cinemas in Areas 3 and 4!).

Moreover, in Centralia the will of the minority prevails in Areas 1 and 2, whereas in Devolutia the majority view prevails in all four areas.

The more numerous the regions to which decision-making is devolved, the more democratic the system and the greater the chance of most people living by their own values.

Viability

The need for viability or "economic functionality" is often advanced as an argument in favour of large regions. It is argued that a region will not be viable unless it is big or rich. But this is simply not so. Many sovereign countries, recognised internationally, are tiny in size or population, and many others have negligible per capita incomes or natural resources. Of the 188

countries listed in the 1980 *Book of Rankings*, six have an area of less than 10 square miles and over 30 of less than 1 000 square miles. There are ten countries with fewer than 30 000 citizens and approximately 20 with populations of less than 100 000. Monaco and Liechtenstein each have only 25 000 people.

Of 145 countries for which figures are available, fully 30 show an estimated per capita gross national product of <u>less than $200</u>. Over half the countries have per capita GNPs estimated under $1000. Thus even the most depressed districts of this country are well above the national average in many countries which are considered viable.

What, in fact, makes a country, state or region viable? If viability means the ability of an area to survive and prosper without depending on "foreign resources" of some kind, then no country, not even the USA is viable. If it means the ability to survive and prosper, with foreign trade and investment, then absolutely every unit, no matter how small, is potentially viable -- right down to the individual who, given large enough economic freedom, can sell his labour, goods or services and be largely self-sufficient. Equally, two or three individuals are viable, as are 300, 3 000, 30 000 or 30 million. It is not towns, countries or regions which are viable, but the people inhabiting them -- provided they are free to produce and exchange.

Fresh ideas for regional boundaries
One of the reasons advanced for the nine/ten regions proposed by the NP and ANC is that they must be socially functional. Yet

various disparate areas, such as the Ciskei and Transkei, are lumped together despite their historic enmities. But there is no reason to believe these hatreds will disappear with the introduction of new borders. Indeed, if the Soviet experience is anything to go by differences between people are likely to increase in importance if they are ignored.

It seems that no one from the major political parties has travelled around the country asking people what boundaries they would like to see forming their region. The nine or ten development regions make no allowance for the (social) importance of a sense of belonging or allegiance which South Africans feel towards certain areas. Few people identify with them, or have any idea where their boundaries are or into which development region they fall.

There are two existing sets of boundaries which would form a sounder basis for future regions:

1) The traditional regions (approximately 25) with which everyone has identified for decades and which have deep historic roots. Everyone knows to which part of the country they "belong": the Border, Western Province, Transkei, Boland, Northern Transvaal, Witwatersrand, Lowveld, Griqualand East, Natal Midlands, Northern Natal etc. These have long and entirely non-political origins. They have emerged spontaneously because they make practical sense economically, geographically, administratively and socially. Many organisations, such as the regional branches of political parties, sports bodies, agricultural unions, business organisations, schools, government departments and so on are organised into these

regions.

2) The 38 Regional Services Council regions which are combinations of magisterial districts which make sense administratively.

It would be best if regional boundaries were decided democratically, by series of referenda in which feasible alternatives are put to the vote. Natal would probably fall naturally into three regions, Northern Natal, the Natal Midlands and Southern Natal, if the people living their were consulted as to their preferences. The people of Bophuthatswana would be unlikely to accept incorporation into the northern Transvaal if given a chance to express their views in a referendum.

Numerous regions are also essential to reduce minority fears in South Africa. Non-blacks tend to forget the numerous ideological, linguistic and socioeconomic disparities amongst Africans and to see them as a monolithic, threatening mass. The prospect of ten large regions, each with a huge majority of blacks, does little to cut this fear down to size, whereas smaller areas seem less frightening because the whites (and other minority groups) have already established a relationship with the black people living in their close vicinity.

Conclusion

The extreme diversity of South Africa's population, the large size of its territory and the high degree of conflict experienced here are factors which would be best catered for through the introduction of many rather than few regions in our future

constitution.