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Hougnton 4

Johannesburg

2041

28 February 1992

Codesa Secretariat Fax No: (Ot) 399-A2 5
P 0 Box 307

TSANDO

1600

Dear Sir/Madam
WOHEN FOR PBASCE – OUR WRITTEN SUBMISSION TO CODBSA

We are writing in response to @ call from yourselves encouraging
â\200\234the greatest possible participation by all interest groups fron
every walk of life", The Star, February 13 1942. Mention is also
made in this Letter of â\200\234provision 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 Â® 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 womenâ\200\231s organisations have
been working towards the peaceful change to & 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 invoiving some
so-called political organisations who have not always shown
themselves to be champions of peaceful change; nor have they been
Terae Tete 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) wha
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 geen 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 womenâ\200\231s 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.

Womenâ\200\231s 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 +a the clause
relating to gender equality.

It is acknowledged that various womenâ\200\231s organisations (we are one of
them) are working on a womenâ\200\231s charter. One hopes that this docunent
will not be too long in coming.

Tt 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 @ great
impaot 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 TBYC states.

3 -

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 TRVC states be
consulted with regard to their future – that their needs, rights and
aspirations be protected and respected.

WORKING GROUP 5

With reference tc 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 Wonenâ\200\231s Charter being prepared by the
National Womenâ\200\231s 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 womenâ\200\231s interests by preparing
the Womenâ\200\231s Charter and this may well take a while to prepare. They
are endeavouring to include inputs from all womenâ\200\231s 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
peaceftl transition to a new desl 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 realiy cannot afford te
be ignored by those who wish to design our future.

Yours faithfully

STON

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

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1992-23-22 28:07

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 opportuni-
ties for all

To utilise the power of women to
make the necessary representa-
tions and explore al! 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 commu-
nities to bring hope and op-
portunity 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 tind
commen 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, re-
search and surveys

is committed to working for a
better future for all our chil-
dren

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Branches in:

Klerksdorp
Alexandra
Sandton
Soweto
Johannesburg
Coronationville / EldoradoPark
Benoni
Daveyton
Lenasia

Reiger Park
Kimbericy
Plettenberg Bay
Welkom

Cape Town

Branch activities are many and
various. They include:- classes in
music, literacy and typing, dress-
making, nutrition, crafts; commu-
nity advice centres; wildemess
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 UN
of Inland Natal IN

P. O. Box 10373, Scottsville 3209

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 s
ubmissions 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, enertainments and activities of gay i
nterest,

* 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 tw anyone who supports these aims, regardless of gender, race, creed
 or language.
It is made clear to potential members that GAIN is not an â\200\230escort agencyâ\200
\231 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 Nat
al interior,
and has been of assistance to well over 400 local gay people. (Although this may not se
em & large
number, it must be realized that, because of societal stigmatization, gay people are ve
ry 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 refo
rm (through
support for the National Law Reform Fund). GAIN also supported the Organization of Lesb
ian 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 homoph
obia
expressed during the trial of Winnie Mandela and others. GAIN also attempts to provide
accurate

information and advice on AIDS. The members and commiuee of GAIN are thus convinced that we
legitimately represent the concems 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 al] or most of their
lives. Another approximately 10% are predominantly gay for a significant period, and a further 20%
have incidental sexual experiences involving parmers 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 1940â\200\231s; subsequent studies have general
ly agreed fairly well
with his results.) This means that something like 20% of the population is very signifi
candy affected
by societal stigmatization and legal proscription of activities and affections which ar
e embedded in
their very nature. (Recent studies have shown that genetic, ontogenetic and/or physiolo
gical factors
during foetal development and very early childhood are probably responsible for determi
ning the
sexual orientation of an individual; such orientation is thus entirely beyond anyoneâ
\200\231s 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 defensi
bile. Gay
people are no more likely to be involved in criminal activities than the rest of societ
y; 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 conract with or knowle
dge about gay
people might have any influence on the sexual orientation of achild; such orientation a
ppears to be
irreversibly determined before the age of five, if not at birth. Prosecutions for homos
exual 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 e
ntrapment by
police (who themselves solicit such activities in the secure belief that a prejudiced s
ociety will condone
their patently illegal activities).

The leaders of our country need to set the example for the rest of the population in un
equivocally
demonstrating that irrational prejudice, of whatever nature, has no place in the new so
ciety which we
are attempting to build. On behalf of our gay constituency, the Gay Association of Inla
nd 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 an
yone else. Such
characteristics include sexual orientation, in addition to race, colour, gender, physic
al handicap, home
language, religious preference, etc. We realise that the mere inclusion of such a provi
sion will not
guarantee an immediate end to the persecution of gay people, but it will be a very impo
rtant step in the
move to a just and free society.

Thank you for your consideration.

Yours faithfully,
Gay Association of Inland Natal

Pec [Bnet

Denis J. Brothers, Professor
(Chairperson)

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AUTHOR:

James Grant. with contributions by Professor van der Vyver

{appendix B] and Desia Colgen {appendix D}.

The Case for Numerous Regions in the New South Africa

Submission to the Constitutional Committee of CODESA

from GROUNDSWELL

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 toa emalt 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
â\200\230autonomy, 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 he 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 "â\200\234Majorities and Minorities: A comparative Survey of Ethnic Violence" (1977)â\200\230, 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.

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
â\200\234most 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.Â® 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.

5Tt 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 less than $200. 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 Africaâ\200\231s 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.