

**PLANNING COMMITTEE REPORT TO THE NEGOTIATING COUNCIL
ON REGIONS**

1. On 7 May 1993 the Negotiating Council agreed that the Planning Committee would submit to it recommendations on the appointment, terms of reference and time frames of either a commission or a committee on regions (boundaries and functions of regions/states). The Planning Committee in turn asked the Technical Committee on Constitutional Issues for recommendations in this regard. The recommendations of the Technical Committee were received on 14 May 1993. A copy is attached.
2. The Technical Committee reported that there appeared to be broad agreement that the most suitable form of state for the future will be one which involves an allocation of powers to a central government and regional governments. The differences that exist relate essentially to the boundaries, powers and functions of the regions and the process whereby such differences may be resolved. Boundaries will be relevant to the electoral process, as well as the structures of the Constitution. The powers and functions of regions are crucial to issues such as the form of state and self determination, and will be a fundamental part of the constitution.
3. The Technical Committee considered that as far as demarcation of boundaries is concerned, there seems to be a clear role for a commission, because the task is one which appropriately should be performed by a broadly based body of suitably qualified people, who will hear representations and possibly conduct public hearings. As far as powers and functions of regions are concerned, the issue could be dealt with by the Technical Committee itself, or another committee, but because of the centrality of the issue, it felt that there may be an advantage in having this issue allocated to the Commission as well.
4. From a broad overall perspective, three distinguishable alternative approaches to the process that will lead to a new democratic constitutional dispensation, seem to have emerged from the negotiating process:
 - a) The election, as soon as possible, of a constituent assembly that will write and enact a new constitution.
 - b) The seeking of agreements within the MPNP on a new constitution and the enactment of that constitution by the present Parliament.
 - c) That seeking of agreement within the MPNP on a transitional/interim constitution, the enactment by the present Parliament of that constitution, the election of a legislature under that constitution, and the formulation and enactment of a new constitution by that legislature.

5. Having considered and discussed the recommendations of the Technical Committee; having taken into account the way in which the negotiating process has progressed up to now and the needs of the negotiating process on the way forward; and being aware of the need for any new constitutional dispensation to be accepted as legitimate by the broadest possible spectrum of the population; the Planning Committee is of the opinion that a Commission can be of invaluable assistance to the negotiating process, irrespective of which of the three roads to a new constitution is taken. It is however recommended that at this stage of the process, a commission will be of maximum help as far as the boundaries of regions are concerned, while the more technical aspects, like powers and functions are attended to by the Technical Committee on Constitutional Matters.

RESOLUTION

Whereas there appears to be broad agreement that the most suitable form of government for the future will be one which involves an allocation of powers to central and regional governments, while the differences that exist relate essentially to the boundaries, powers and functions of the regions and the process whereby such differences may be resolved;

Realising that regional boundaries will be relevant to the electoral process, as well as the structures of the Constitution;

Accepting that the powers and functions of the regions are crucial to issues such as the form of state and self-determination, and will be a fundamental part of the constitution;

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 representatives from the public as large and from different areas of the country, issues regarding the functions and powers of regions can at this stage of the negotiations best be dealt with by a smaller technical committee; and

Determined to

Hereby resolve:

1. That the Technical Committee on Constitutional Issues be charged with formulating as a matter of urgent priority, recommendations on the structures, powers and functions of regions, on constitutional principles and on the transitional process.
2. That a Commission be appointed to make recommendations to the Negotiating Council within six weeks of its appointment, on the delimitation of regions.
3. That for the purpose of its recommendation the Commission should be charged to take into consideration the following criteria:
 - 3.1 Historical boundaries, including provincial, magisterial and district boundaries

and infrastructures.

- 3.2 Administrative considerations including the availability or non-availability of infrastructures and nodal points for services.
 - 3.3 The need or otherwise to rationalise existing structures (including the TBVC States, self-governing territories and regional government).
 - 3.4 The necessity of limiting financial and other costs as much as is reasonably possible.
 - 3.5 The need to minimise inconvenience to the people.
 - 3.6 The need to minimise the dislocation of services.
 - 3.7 Demographic considerations.
 - 3.8 Economic viability.
 - 3.9 Developmental potential.
 - 3.10 Cultural and language realities.
4. **That** the Commission should be required to 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 that the Commission should take these into account for the purposes of formulating its recommendations.
 5. **That** the Commission should also be free to take cognisance of any other material it might wish to collect for the purposes of its recommendations.
 6. **That** the Commission should also for the purposes of its recommendations take cognisance of any progress made in the Negotiating Council by way of agreements on constitutional matters.
 7. **That** this Council shall from time to time review the progress made towards the reaching of agreements regarding the structures, functions and powers of regional governments under the Constitution replacing the presen

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