4. Demarcation of regions
International perspectives

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4.1 Approach and overview

Most federal systems have, at least in their founding stages, grown on the basis of historically given territorial foundations. The demarcation of their constituent parts by legislative decisions of the federation has, therefore, only very rarely occurred together with the creation or renewal of the federation itself. Instead, it has either been a device for later corrections of the territorial organisation of the federal system (as in Germany) or a means to adapt later enlargements ot the system by letting new units enter into it (as for example in the United States and Canada)'). The setting up and the application of rational rules for the territorial structure of a federal or regional system is thus faced by the polarity of a historical problem and a political chance: It is the problem of historical uniqueness versus the chance of beginning from (almost) zero, which can lead to a dilemma if the perils and/or the potentials of this situation are not properly evaluated. It would seem to be self-evident that guidance For such evaluation can be won from comparative experience.

In its first main section this chapter attempts to distill the most substantial abstract criteria from the background of the comparison of

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federal systems. The aim is to define some and, as it is felt, the most basic general standards for demarcation.
In the second main section the concrete constitutional and factual situation in Germany is described on the basis of experience, with the rules for demarcation as set out by the Basic Law of the Federal Republic of Germany from 1949 to the present time. The third part attempts to answer some crucial questions which seem to have emerged in the constitutional debate in South Africa today.
The terms "regionalism" and "federalism", as they relate to Europe and South Africa, can be interpreted in different ways, and this should be kept in mind in all deliberations. These differences will, however, have to be neglected in this context. In Europe, particularly under the impact of the present debate over the to-be-established Regional Committee as an institution of the European Community according to the Treaty of Maastrichtzl regionalism has been introduced as a notion comprising heterogeneous types of subnational distribution of political and/or administrative power and also including genuinely federally organized types such as the German example. In South Africa regionalism seems to have acquired a context that distinguishes it from federalism inasmuch as it is, at least in some quarters, felt to be a form of state in which the centre can dispose of the powers of the constituent parts of the system at its own discretion, without the principle of a vertical division of powers being entrenched by and in the constitution?) If this were the case then regionalism would, indeed, not have much of the substance of federalism in it, because in such a form it could at best be called a species of "benevolent centralism". However, only very few indicators would seem to suggest that such a tar-reaching neglect of federal principles is what is required For this country. The need For a certain amount of a still-to-be-detined form of regional autonomy appears to be approaching general consensus.
If that is so, then the described differences in the interpretation of "regionalism" and "federalism" can in tact be justifiably neglected here, because territorially organised autonomy is the common denominator of both of these terms.

4.2 Abstract criterio under comparative standards

1.2.1 Total number of constituent parts

In elaborating a rational scheme for the demarcation of regions (or states in a federal system) deliberations should logically commence with the question of the adequate total number of component parts which such a system could and should have.
For the question of marking the optimal size of federal systems there is only one rule capable of generalization which is, however, both the most sophisticated, and at the same time also the most basic one. The more comparable the parts are in size, institutional structure, administrative capacity, economic viability and financial strength, the more stable the system will be as a whole.
Apart From this, no general rule appears to be definable, but when going into concrete numbers, there would seem to be some fairly reliable indicators:

- A system comprising only two units is obviously too exposed to forces that could destroy it. The recent example of the disintegration of a federal state in Czechoslovakia certainly offers sufficient proof of this.
- A structure consisting of three parts would at least tend to imply the same dangers of disintegration. Moreover, regardless of the details of its composition, it would always have to face the attribution of a key-role to the third unit, which might make the political balance within it a rather delicate one. The problems of achieving a balance of this kind in the present process of shaping Belgium into a federal state could certainly be quoted as an example of the delicacy of such a solution.

’ A system of four units would rather probably invite two risks. On the one hand, two of them might all too easily and even permanently unite against the other two and thus call in the federal level for the eternal political game of divide and rule. On the other hand, the rather small number of four would make frequent alliance against the federation for all of them too easy and could thus fatally weaken the federal level.
- The minimum for a viable federal system would therefore appear to be a number of five or six constituent parts. The German Territorial Reform Commission of 1970-72 came to the conclusion that this would be the optimal number for the then not yet
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reunited Germany.
There is, again, no general rule available for the maximum number, but it would seem to be obvious that there is a vital danger of federalism having too many constituent parts and inviting by this tact not only the temptation, but also the power to divide and rule on the level of the federation. American observers of their own constitutional scenario would probably admit that their system is at least under permanent strain of such trends, owing to the fact that it comprises no fewer than 50 states. The possibility of "divide and rule" would be extremely strong within an extremist version of the concept of a "Europe of the Regions". This would do away with the traditional member states of the European Community, in favour of constituting a system based directly on their approximately 200 regional (and very heterogeneous) units.5)
It seems, therefore, that general maxima would appear to be hard to define in concrete numbers. There is, however, a proportion to be observed between the total territorial size of a federation and the number of constituent parts:
The larger the entire territory, the greater the number of tolerable regions or states that can comprise the federal system. A bad example of this disregard of proportion is the present number of no fewer than 16 states in (a reunited) Germany within a country of a relatively small territorial size and, moreover, in a more densely populated area in comparison with other Federations in the worldm
4.2.2 Boundaries and density of population
Regional lines of demarcation should never cut through densely populated areas and, in particular, they should not separate highly industrialized areas within the same region from each other. The reasons For this demand are manifold:
’ The need for interregional co-operation naturally grows with the degree of interdependence and interaction between economically highly active parts of one and the same geographical area. This need cannot be managed by several regional or federal units, if their demarcation lines split such interdependencies and interac-
tions.
’ As Close intergovernmenlal co-operation is the only way of minimizing the losses resulting from such situations, the democratic processes of participation of the elected bodies, in particular of the legislatures, are bound to be reduced and infringed upon by the ensuing ever closer network of intergovernmental relations.
’ In crucial and controversial fields of regional economic develop-
ment, in which the same decision is bound to be to the advantage of the one and the disadvantage of another part, decision making will either tend to result in deadlock, or take some time before a compromise can be reached and consequently cause an economic-
ally detrimental delay. The effect will either be that none of the increasingly necessary decisions will be made or that compromise will be achieved only on a level that does not address the actual needs.
Situations and developments of this kind can only be avoided by handing over both the political and the administrative responsibility

for one and the same economic and public infrastructure to one regional parliamentary assembly and one regional government responsible to it. Arrangements for regional co-operation by treaties and similar devices can only be inadequate makeshift solutions to such problems."

4.2.3 Avoidance of city states

It seems remarkable that for various and exclusively historical reasons city states found and maintained their place in federations only within the Germanic "tribe" (Germany, Austria and Switzerland). Besides these, no other federal system in the world has - with one short-lived exception - ever included this type within its constituent parts. That one exception was Singapore which, however, belonged to the Malayian Union for only two years from 1963 to 1965. This fact and its solely historically foundations already indicate that the survival of city states within federal structures under modern conditions does in fact at least imply some touch of anachronism. This becomes all the more evident, if evaluated in the context of the reasons which have been explained above, for the suggestion that demarcation lines between regions should never cut through densely populated and highly industrialized areas. All of these reasons apply in particular to city states, because their suburban settlement and economic expansion, in almost all cases, tend to transgress their boundaries substantially into the areas of their surrounding regions. Added to the impact of the fact that the centres of gravity of both economic and suburban development are naturally always located within the territory of the city states, is that this constantly creates a situation in which city states are to a large extent living at the expense of their neighbours. Mechanisms for equalisation are regularly very difficult to find and even more touchy to handle. City states, therefore, do not only tend to disturb the economic equilibrium of the greater area in which they are situated, but their mere existence and their peculiarities also necessitate complicated provisions in the system of financial equalisation within the whole of the federal structure. The most plausible arguments against their further maintenance (or even new introduction into an emerging federal system like perhaps the South African one) have their roots, however, in the impediments to economic development of the city states themselves. For the previously mentioned historical reasons most of them currently have overly narrow boundaries which tend to inhibit their own opportunities for economic expansion. The most illustrative and convincing example of this today is quite obviously Hamburg, which was previously strongly opposed to giving up its autonomous status within any scheme of territorial reform, but which is now strongly propagating this for reasons of economic expansion as a consequence of German unification. This economic growth can now no longer be housed or managed within the city’s frontiers. As very similar facts were foreseeable tor the city state of Berlin when Germany came to be reunited in 1990, the Treaty of Unitication a) itself laid the foundation for an amalgamation of Berlin with the surrounding state of Brandenburg in the near future. Taking these two developments into account, within Germany the city state oF Bremen might well soon find itself in an isolated position. In the case of Bremen, moreover, it will certainly be of considerable relevance that strong financial dependencies on the federation tend to leave city states little room for autonomous decision making.

All in all, the creation of city states within a newly developing federal system is certainly not to be recommended. The preservation of historical identity, which is often quoted in favour of their maintenance, is based on very disputable foundations as this feeling of identity among the population would appear to be much more strongly connected with the city as a communal unit rather than with its capacity of an autonomous state within the federal structure.

4.2.4 Territorial organisation and federal equilibrium
It has already been referred to as a basic rule for demarcation that the more stable the constituent parts are, the more stable the federal systems tend to be. In the interest of such stability the territorial organisation of a federal structure should, therefore, avoid as much as geographically possible creating or cementing too far-reaching inequalities in three fields:
’ It should not invite the disturbing or even overthrowing of the political equilibrium of the whole. This means in particular that the size and the political, economic and financial potential of its parts should at least not differ from each other in extremes.
- At the same time this implies that it should not be possible for a permanent or a changing coalition of its parts, and even less for only one of its units, to upset the economic and/or the financial balance of the entire system. The danger of potential domination of some or even one of the parts over the federation should, therefore, be observed.
’ Inasmuch as this applies to the horizontal level of the relations between the regions or states, it is to the same extent also valid for the vertical relations between the federation and its component parts. This means in particular that severe inequalities and imbalances between the regions in their financial and economic strength are bound to invite the federation to the application of what in Germany has come to be termed the "golden lead". Even the best balanced fiscal constitution of any federal system will not be in a position to dispense with certain forms of co-financing of the federation and its parts in certain essential fields such as economic developmentplf, however, the federation is able to dictate its conditions for such co-tinancing to the weaker members of the regional or federal community, then even the stronger members of it will hardly be successful in attempts to evade the temptations and effects of such a "golden lead". Regional autonomy will thus be in growing danger of tolerating the fact that principles of co-operative federalism will be turned into those of "corruptive federalism" or, as Fritz W. Scharpf has termed it, that all members of the regional community are increasingly finding themselves in a "politics trap".9) These standards for demarcation are admittedly, but necessarily defined on a rather high degree of abstraction. This can, however, hardly infringe on their essential relevancelo) Moreover, their concrete application will have to be seen underlying many of the other criteria for demarcation outlined here.
1.2.5 Secondary weight of ethnic factors
For South African readers it might be surprising to find deliberations on the significance of ethnic factors for the demarcation of regions rather in the lower part, it not at the bottom of a list of general standards for territorial organization. The reason for this is embodied in the fact that ethnic Factors will inevitably play a role, but that they should certainly not play the dominating role in demarcation. There is more than sufficient evidence for this rationale of only secondary it not marginal ranking also outside the scope of the South African experience and the conclusions to be drawn from itm
First of all in any federal (or for that matter no less in any regional) system of government the task of achieving political balance between ethnic groups should not be left to the federation alone, but it should to a considerable extent be partially fulfilled also by and in the regions themselves. One could justifiably even go so far as maintaining that this should be in the very nucleus of federal philosophy in any country in which ethnic problems are a substantial part of the historical and political burden to be carried. This would seem to be a genuinely federal demand for a twofold reason: On the one hand, the federation will need to be relieved of at least a substantial portion of the political tensions connected with this field. On the other hand (and no less importantly) the transfer of that

shared responsibility to the regions will at the same time not only contribute to their maturity for autonomous selt-government, but also help to develop an appreciation of regional rather than ethnic identity in the population.
The application of the opposite principle of basing regions predominantly or even on ethnicity only would necessarily have the opposite effect: It would result in doubling ethnic with regional identity and it would thus call for ethnic strife couched in regional terms on the federal level. Again this would be bound to have a twofold effect, this time negative. On the one hand it would invite the federation to govern by divide and rule. The other and even more damaging result would be that ethnic regions would instrumentalise ethnic struggle not only at their own expense but also at the cost of the whole. The case of Yugoslavia is certainly the most devastating example of developments which would have to be faced it such considerations were to be disregarded.
Another and no less significant basis for such considerations is the fact that regionalism should not impede, but rather encourage the freedom of movement. This freedom could and most probably would be severely endangered, if the regional idea would be made the home of new isolation. The success of the European Community (now hopefully leading to the European Union) has been virtually built on its four freedoms of movement referring to labour, goods, services and capital. It is now gradually approaching European citizenship, which would have been unthinkable it ethnic amalgamation had not been one of its basic goals.
Finally (and, maybe, even above all) it needs to be emphasised that minority rights are a matter for human rights protection to be entrenched in a strong federal constitution. They are thus primarily not a matter for regionalism or federalism as a principle for territorial organization, because it they were, their protection by the federal constitution would simultaneously be severely weakened.

1.2.6 The uniqueness of the "hour zero"
In most federal systems the geographical demarcations of their constituent parts have been the product of historical development and therefore to a considerable extent, have also been the result of irrational factors. If any emerging or selt-renewing federal state has no less historical chance of developing an optimal scheme of demarcation at least predominantly by the application of rational standards, this chance should be courageously seized in the "hour zero". It should be borne in mind that the building up of political autonomy organized on regional basis means the erection of "political thrones". To abolish such "thrones" by later measures of yet another territorial reform after too long a time of trial and error requires an enormous input of political energy and time, which will often be in vain and thus frustrating for the entire political system of the country. Because of that it calls for the intricate invention of ever new procedures, which repeatedly have to be adapted to new surrounding political situations.
1.3 The German case: constitutional and factual situation
1.3.1 German constitutional rules on demarcation
In the (post-war) constitution of the Federal Republic, the Basic Law of 1949 which in 1990 became the constitution of the reunited nation, the need for a reorganisation of the federal territory was felt under the impact of mainly three factors:
’ The separation of the country into occupation zones of the Allied Powers in 1945 had created new frontiers which were partially historically unknown.
’ The dissolution of Prussia had resulted in such regional entities as States of the Federation, of which some felt that they were individually too weak to survive in that capacity for a longer period of time.

’ Apart from these direct results of the Second World War there was a strong feeling that the re-establishment of federalism in a new and stronger form than that of the Weimar Republic should at least in future reforms be based on a territorial Foundation which would, besides historical factors, also take economic expediency into account.

The constitutional rules emanating from these deliberations are laid down in Article 29 0f the Basic Law. As regional plebiscites had still not been organised after 2.0 years, the procedure for them was newly arranged in an amendment in 1969. While this amendment left the criteria for reorganisation as well as the obligation of the Federation to its accomplishment untouched, a third revision of Article 2.9 in 1976 diluted that obligation into a mere can-clause, after the regional plebiscites had been held and the Federation Found itself incapable and unwilling to reorganise on a large scale. (The versions of Article 29, which were the result of these developments, are annexed to this paper.) In the present Joint Commission on Constitutional Reform of Bundestag and Bundesrat, territorial re-organisation is again a subject of deliberationsm

Since 1949 two independent expert commissions set up by the Federal Government developed concrete schemes for reorganisation. While the suggestions of the first one of them, the Luther Commission of 1952-5513), neutralised themselves by offering too many alternatives, the report of the second one, the Ernst Commission of 1970-1972.") was widely respected for the substance and the reasoning of its recommendations, but failed in finding sufficient political support. The addition of five new Lander to the federal system by the unification of Germany in 1990 then posed the question of reform anew.15) Apart from a specific measure of reform in the South West, which resulted in the creation of Baden-Wiirttemberg in 1951 (under a special provision of the constitution which will have to be debated later) the task of general territorial

reorganisation is thus still an unfulfilled one. It has today acquired additional relevance by the implications of German unification as well as those of European integration. These implications are manifold, but for the purposes of this chapter just concentrating on the constitutional criteria for regional demarcation and on the procedural provisions and deliberations for their implementation is sufficient.

1.3.2 Constitutional criteria for regional demarcation

Throughout all amendments of Article 2.9 of the Basic Law, the dominating demand for territorial reform has remained unchanged in its Section 1. According to this, the purpose of reform is "to ensure that the Lander by their size and capacity are able effectively to fulfil the functions incumbent upon them". The criteria to be applied for this purpose are in detail partly conflicting, but as a whole they are to be read under the preponderance of that main demand. In a general overview they can be grouped into two main categories:

- "Regional" (in the sense of "native") and "historical and cultural ties" imply more emotionally influencing Factors.
- "Economic expediency" in terms of sufficient capacity For economic "regional policy" and with "the requirements of town and country planning" implies more rationally influenced guide-lines.

The fact that this second group represents the more influential criteria is not only underlined by its close relation to the main demand oF reform referring to the fulfilment of the Lander functions. It is also expressed in a procedural device set out in Section 4 of Article 29, under which the inhabitants of "a clearly definable area of interconnected population and economic settlement, the parts of which lie in several Lander and which has a population of at least one million" can by popular initiative for the assignment of that area to one Land start a regional process of reform in order to end the separation of economically coherent geographical territories.

1.3.3 Strength of constitutional demand and procedure of reform

As has been outlined already, territorial reorganisation was originally a binding obligation to be fulfilled by the Federation. Its dilution into a mere empowering of the Federation to achieve reform by the changing of the "must-clause" into a "can-clause" in 1976 was a result of the fact that for various and mainly party political reasons the Federation had proved to be not only unable but also unwilling to abide by the Constitution. It was felt that this contradiction between the text of the Constitution and its reality was no longer tolerable and that despite wide-ranging feeling in favour of the necessity for reform, the Constitution had to be adapted to its realityw) Current deliberations in the Joint Commission on Constitutional Reform include the idea of shaping Article 29 Section 1 into a "shall-clause" and so strengthening the demand again onto a middle level between an obligation and a mere empowering.

The procedure for the accomplishment of reform was originally (and even beyond the first reshaping of Article 2.9 in 1969) dominated by a strong federal impact, which the Federal Constitutional Court interpreted in 1956 as the need for an overall concept for the entire federal territory.17) On that basis both the original version of Article 29 and its amendment of 1969 maintained the principle that the decisions should be taken by plebiscites in the regions concerned on the basis of a plain majority in the affected regions which, if producing conflicting results, should be finally settled "by referendum throughout the federal territory".

This concept was diluted by double-majority requirements in the amendment of 1976. Under these rules, which are the presently valid ones, approval for the creation of a new Land has to be given "by a majority in the future territory of such Land and by a majority in all the territories or partial territories of an affected Land whose assignment to a Land is to be changed in the same sense". The result

of this highly complicated provision has been that reform presently is a non-workable concept. In practice, the constitution has thus established a contradiction of itself, by on the one hand empowering the federation toretorm while on the other instituting a procedure which is factually making such reform impossible.

Because of this, emphasis is at present shifting to the revitalisation of the device of agreement between specific Lander concerned. This makeshift design for urgent situations had originally been introduced into the Constitution of 1949 in Article 118 (see Appendix). As mentioned already, in 1951 it had been successful in solving the then most pressing problems of territorial misorganisation in the South-West by the creation of the Land of Baden-Wiirttemberg, after agreement between its three predecessors (as named in Article 118).

In more recent constitutional history and under the impact of_ the hitherto proven failure of Article 2.9, the Treaty of Unification returned to the device of agreement by providing in its Article 5 that it should be applied again in order to bring about a future amalgamation of the city state of Berlin with the surrounding new Land of Brandenburg. Present deliberations now focus on the question of the extent to which agreements between Lander prepared for reform could and should be utilised also in parts other than the federal territory as long as a scheme for overall reform cannot be accomplished. While, however, the federal side would seem willing to tolerate such agreements between two Lander, there is at the same time a strong and understandable demand on the federal level not to lose influence on any further-reaching results of reform because of the importance of any further-reaching steps for the whole systemm

A workable solution in the field of procedure for overall reform under the terms of Article 29 thus still remains to be found. Taking into account all schemes which have been examined to that effect ever since 1949, the most plausible and thus most recommendable solution would be one which had been (unsuccessfully) under

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discussion during the debates on amending Article 2.9 in 1975/76. It consisted of three main elements:

’ At the outset of proceedings a general plebiscite in the entire Federal Republic should be held on the question of whether or not a reorganisation of the federal territory should be brought about. This plebiscite should be organised after and on a first alternative draft of an Independent Commission. Its result should once and for all decide the basic question as such and thus avoid and end any further struggle on it.

- Provided that a plebiscite should come out in favour of reform, then alternative schemes should be set up by the Federal Parliament (without the Bundesrat having a veto power) on the basis of the recommendations of the Independent Commission, and taking into account the regional subresults ot the general plebiscite.

’ Regional plebiscites in the Lander directly concerned by measures of reform should finally decide which solution within these alternatives should be preferred. In contrast to the present rules necessitating double majorities, these regional plebiscites should return to the "plain majority principle" in the regions concerned, on the basis of the pre-1976 provisions in Article 29. These regional plebiscites should then finalize the process.

1.3.4 The importance of the issue to Germany

Whether or not such or a similarly effective procedural scheme will be arrived at remains to be seen. irrespective of the answer to this still open question, the overriding importance of territorial reorganisation tor federalism in Germany can hardly be under-estimated nor convincingly denied for an impressive number of very substantial reasons:

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An equal capability of the Lander t0 tutti! their constitutional functions still has to be secured. The weight of this need is emphasized by the fact that within the German federal system administrative tasks even within the field of the implementation of federal law are predominantly a matter for the Liinder and not For the Federation.

The achievement of regional equivalence of living conditions is one of the basic constitutional demands of and for federalism in Germanyzo) (and certainly not only there). This implies a sufficient capacity For both the component parts of the federal system for the achievement and the maintenance of interregional equalisation.

The application of the techniques of divide and rule by the Federation (particularly including the "golden lead") can hardly be effectively avoided within the present structure, which is characterized by too tar-reaching inequalities between the Lander regarding their economic and financial capacities.

The implementation of the need for intraregional equalisation requires autonomous component parts of the federal system which are able to perform that task on their own.

The Lander urgently need to be made equally fit for their growing European functions both internally within the Federal Republic and externally on the level of the European Community emerging into a European Union, it the concept ozfr)a "Europe with the Regions" is to prove having a real substance.

With the sole exception of successful territorial reorganisation in Baden-Wiirttemberg, damages as caused by historical factors in 1949 still need to be repaired. The same applies to the elimination of mistakes in the territorial organisation of Eastern Germany, which were unavoidable in the highly speeded up process of German unification in 1990 and which then resulted in too many of Lander to be created.

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- Last but not least, proof has still to be given to the political philosophy underlying the inclusion of territorial reform in the legal network of a democratic constitution. It presupposes nothing less than the confidence that democracy can alter vested power structures by virtue of its own rules and that it does not require the application of military or other devastating factors of force to change the territorial bases of power, it public needs call for such changes. Both German and South African history have proof to the contrary from Napoleon's respectively colonial times up to the present. Democracy must, therefore, still live up to its challenges in this field in both countries.

4.4 Attempts to answer to specifically South African questions

At this turning point of the German case study toward its South African relevance, hope is certainly to be found in the intention that "present regions need to be rationalised" as expressed in the summary of the pilot workshop on "Regional Government in the New South Africa", held by the Human Sciences Research Council on 25 February 1993. This final part of the chapter attempts to give answers to the main questions defined in the field of regional demarcation by that workshop. In doing so, it also includes problems with specific relevance to the South African situation in the HSRC'S workshop on "Problems and Prospects for Regional Government" of 1 and 2 April 1993. In attempting to answer these questions, preference shall be given to questions which have not yet been sufficiently dealt with in the preceding parts.

(i) Should the number of regions total seven or as many as 16.7

As has been outlined in Section 1.1, this question cannot be answered abstractly (and, moreover, certainly not by a foreigner). It can only be indicated that between five and seven would appear to be the minimum and that 16 would seem to be a too large total.

(ii) Should there be metropolitan regions?

Inasmuch as this question refers to the demarcation in urbanized regions and to city states, it would seem to have been answered in parts 1.2 and 1.3 above. If it refers to the creation of (a) specific region(s) for the national capital(s), two aspects should be taken into account:

- The instituting of a federal district under direct political, administrative and judicial responsibility of the Federation and with consequently only limited representation of its own within the federal constitutional structure (like Washington, DC. in the United States) necessarily leads to the deprivation of federal lobbying power for the population of such a district. It can also result in a loss of citizens' rights for the inhabitants of such a district, if as a consequence of such a measure, their voting rights for federal institutions are curtailed, which would inevitably be the case if such district(s) were not represented in a chamber representing the regions/states.
- ' If such district(s) were either part of an economically dominating city and/or surrounded by an economically dominating area mainly comprising that city (such as Buenos Aires in Argentina), there would be a danger that this area, with its overwhelming economic potential, could upset the federal equilibrium of the entire structure (as does the Federal District of Argentina together with its surrounding Province of Buenos Aires).

(iii) Should there be subregions?

A federal state with a national scope and basis should be clearly organised in only two tiers of government: that of the regions/states and that of the nation/federation.m Local government autonomy should, therefore, be clearly arranged and constitutionally guaranteed within the sphere of regional/state responsibility. Subregions or local government bodies should thus not be given the capacity of being

direct parts of the federation (as is to some extent and rather confusingly the case in Brazil).

(iv) Which factors for regional demarcation should have which weight? 4

It would seem neither possible nor advisable to try and set up a mathematical and quantified matrix for the measurement of the weights of the various criteria. Certainly, however, there should be a predominance of the rational over the emotional ones without, however, neglecting the latter.

(v) How easy or how difficult should it be to change boundaries?

A workable concept should be set up for the first, say five, years which should be open for optimalisation after a process of trial and error during that period, and which should thus not be too difficult to change by legislation. Such legislation should be passed on the federal level with due regard to regional participation. After that period, which for the avoidance of newly cemented power structures should not be extended for too long a timem, a binding final decision should be taken, which should again be organised on the basis of the procedure as outlined above after optimalisation has been achieved. After that decision a final fixing should be entrenched in the federal constitution, then allowing only for minor adaptations in the future within a constitutionally defined maximum of inhabitants con-cernedzsl

(vi) Should the process of demarcation run top-down or bottom-up?

As l have tried to demonstrate both in the German case study (Section 1.3 above) and in the answers to Questions vii and viii, the constitutional organisation of the process of demarcation should comprise elements of both. For the setting up of the initial scheme, there will necessarily have to be a preponderance of the top-down element, inasmuch as that scheme will have to be enacted by the

national Constituent Assembly, which because of its representative character will, however, have sufficient reason to claim a bottom-up legitimation as well. Nonetheless, a strong plebiscitary element should be the basis of final decisions as suggested in the parts quoted above.

(vii) Should there be a demarcation commission?

The answer is a definite "yes". Taking into account the complexity of the demarcation problem, which faces a variety of criteria to be applied properly, political decisions such as the bill in the Constituent Assembly for the initial scheme as also the later Federal Parliamentary bill for the final settlement of the question by plebiscite, should not be drafted by these political bodies alone, but only after obligatory consultation with an independently organised Commission for that purpose. This Independent Demarcation Commission should not predominantly consist of politicians, but should mainly comprise widely respected scientific experts in the fields to which the criteria for demarcation belong. (The Ernst-Commission in Germany consisted of outstanding academicsland practitioners in the fields of constitutional and administrative law, political science, economics, town and country planning, local government, administration, geography and fiscal policy.) Needless to say, such a Commission should have permanent connections and frequent consultations with the political institutions (as did the German Commission by incorporating permanent representatives of the Federal Chancellor’s Officem and the Federal Ministry of the Interior as well as by touring the Lander capitals twice for administrative and political consultations). Even if politicians were to be included (which was not so in the German case) politicians should not have the majority in that body. Instead, its status should be secured by as much independence as possible and its services and facilities should be employed from the earliest possible stage. As politics will have the final say on the decisions in the Constituent

Assembly, no objections could be raised against such a construction from the point of view of democratic legitimation. On the contrary, the political institutions would not only be able, but also obliged to base their decisions on standards which would then be objectivised to the highest possible extent.

(viii) Should public debate on the aims of regionalism or federalism precede demarcation and can a unitary versus federal deadlock be averted?

These two questions must necessarily be answered together as they would seem to represent two sides of one and the same medal. First of all it would appear to be a truism that a crucial question of the organisation of political power such as the one about regionalism or federalism cannot be decided from top to bottom, so that elaborately organised public debate will, of course, have to precede it. That debate will, however, not be able to evade the principal question, whether a genuine federal system with constitutionally entrenched rights of its component parts or whether only a structure of regional devolution at the hands of national unitary institutions shall be the result (sec end of the overview at the beginning of this chapter). It the function of public debate is to be helping to evaluate the merits of genuine federalism properly (as it ought to do) and it its results shall produce consensus on the basic federal aims and the ensuing requirements, then it, indeed, necessitates careful organization and, above all, the input of objectivised and rational information.

An attempt at a contribution of this kind to the (partial) field of demarcation has been submitted in this chapter.

Reaching beyond that field, it remains to be said for the entire area of constitutional deliberations and their accomplishment in practice that constitutions are not, cannot and must not be rigid bodies of law which are made "once and for all". This is to say in the first place that anxieties and mistrust in their making should not be carried so far as to endanger or even prevent the success of the whole. Undisputably

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this is easier to be said than to be practised, particularly in a constellation in which history has left many and deep wounds.

However, in making a constitution, it is by way of definition less the past than the future that governs the scene.

And here, indeed, the proper evaluation of the future of a constitution itself comes into play. As long as il provides for sufficient flexibility in an inevitable and indispensable process of trial and error, it will be able to limit anxieties and mistrust in the process of its making, to a tolerable extent. Such a limitation can thus only be achieved by realizing properly and constantly that later amendments will have to follow the constituent act anyway. It and inasmuch as such amendments will require qualified majorities, as is customary in any constitutional process, the adequate protection of minorities against unilateral deviation From the constituting consensus will be secured properly.

At a point of no compromise in the endeavours of working out that consensus, this should leave room and courage to take advantage of the wisdom of agreeing to disagree it the matter permits it - in order to convince later. Democracy is, after all, nothing more, but also nothing less than the possibility of the minority convincing the majority at a later stage, irrespective of the question of whether the state is in the Form of a unitary or regional or federal system. Nonetheless, it can neither be denied nor neglected that the process of convincing necessitates a willingness tor the application of practical reason. When the German Independent Demarcation Commission visited the city state of Bremen, which has been traditionally hostile to territorial reform, its Chairman addressed the Mayor of the City in 1972. by saying: "It is the eternal challenge of democracy that it basically presupposes reason and yet has to reproduce such thinking anew every day and in all controversies."

This surely does not apply to demarcation alone, but it was and is well placed there in particular - in Germany and elsewhere.

References

1) Cf. Art. IV Sec. 3 of the United States Constitution.
2) Arts. 198 a - c in .Art. G.
3) Bertus dc Villiers, A Constitutional Scenario for Regional Government in South Africa: The Debate Continues; Konrad-Adenauer-Stiftung (ed), Johannesburg 1992; pp. 11-13. Cf. also: David Welsh, Federalism and the Problem of South Africa, in: Murray Forsyth (ed.), Federalism and Nationalism; Leicester and London 1989; pp. 250-279 (265-276).
4) Report: Suchvershi'ndigenkommission fi'ir die Neugliederung des Bundcsgebicts, Vorschlr'ige zur Neugliedemng des Bundesgebiels gemd/I Art. 29 des Grundgesetzes, ed. by the Federal Minister of the Interior, Bonn 1973; pp. 17-20, 36-40, 126-235.
5) Cf. Uwe Leonardy. Working Structures of Federalism in Germany: Crossroads German and European Unification; Discussion Papers in Federal Sludies FS 92/1; Leicester (Centre for Federal Studies) 1992; pp. 57-58. .
6) Op. cit. (note 5) p. 34-35 in more detail.
7) For the geographical area of Northern Germany see: Fritz W. Scharpf and Arthur Benz, Zusammenarbci! zwischen den narddeutschcn Liindern; Cologne (Max-Planck-lnstitut fiir Gcscllschaftsforschung) 1990.
8) In its Art. 5.
9) Fritz W. Scharpf, Bernd Reissert and Fritz Schnabel, Theorie und Empirie des koopemliven Fb'demlismus in der Bundesrepublik; Kronberg/Ts. 1976.
10) Which in the German case would seem to have been pushed aside too easily in favour of the rather irrational category of "multitormity" by Matthias Hardegen, Neugliederung des Bundesgebiets im Spannungsfeld zwischen staatsrechtlicher Kontinuitit und Effizienzerwartung, in: Kurt Bohr (ed.), Fddemlismus - Demokmtische Struktur fu'r Deutschland und Europa; Munich 1992; pp. 123-137.
11) See Bertus de Villiers op. cit. (note 3) p. 13 recommending "non-racial and non-ethnic lines" for demarcation; inasmuch as language goes along with ethnicity see also Richard' Humphrics, Where to draw the lines...; in: Prospects: South Africa in the nineties; vol. 1 no. 4 (December 1992) pp. 22-23.
12) Kommissions-Drucksachm (Documents of the Commission) Nos. 2 and 53; Stenographischcr Bericht Cemeinsame Verfassungskommission (Verbatim Report Joint Constitutional Commission) of 25 March 1993.
24
13) Named after its chairman Hans Luther, former Chancellor of the German Reich (1925 - 26); Report: Die Neuglicderung des Bundesgcbietes, ed. by the Federal Minister of the Interior, Bonn 1955.
14) Named after its chairman Prof. Werner Ernst, former Director General in the Federal Ministries of Housing and ot the Interior; Report: see note 4.
15) Cf. Uwe Leonardy, Into the I99OS: Federalism and German Unification, in: Charlie Jeffery and Peter Savigear (eds), German lv'nlrmlism Today; Leicester and London 1991; pp. 138-148 (143-146).
16) Alfred Kubel (former Minister President of Lower Saxony), Bcwiihrungen und Versiiumnisse im Bundesstaat, in: Rudolf Hrbek (ed.), Miterlcbt - Mitgcstalh't: Der Bundesrat im Ruckblick; Bonn 1989; pp. 50-64 (52-55).
17) Decisions of the Court (BVertCE) vol. 5 pp. 34 et seq. (30 April 1956).
18) Backed by another judgement of the Federal Constitutional Court (of 11 July 1961; BVerfGE vol. 13 pp, 54 et seq).
19) Introduced into the deliberations of an alI-party drafting group on the basis of suggestions of the author of this chapter by the then Vice-Prcsident ot the Legislature of Baden-Wiirttemberg (and former Minister of the Interior in that State) Walter Krause.
20) Embodied in Arts. 72 and 106 of the Basic Law.
21) For more detail see Uwe Leonardy) op. cit. (note 5) pp. 51-58.
22) The specifically European concept of a doubly federalized structure referring to the member states as parts of the European Union and to federalization within these states (ct. Uwe Leonardy op. cit. in note 5, pp. 57-58) would seem to be a different matter not comparable to South African conditions.
23) Which would have to be suggested for consideration within Bertus dc Villiers' concept (op. cit. in note 3 p. 13).
24) During his period of work in that Office the author of this chapter had that function; ct. Report (note 4) p. 14.
25) Cf. Art. 29 Sec. 7 in the Appendix.
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APPENDIX
Provisions of the
BASIC LAW OF THE FEDERAL REPUBLIC OF GERMANY
relating to territorial re-organisation
Article 29
Present Version
(as amended 23 August 1979, Federal Law Gazette I p. 2381)
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A new delimitation of federal territory may be made to ensure that the Lander by their size and capacity are able effectively to fulfil the functions incumbent upon them. Due regard shall be given to regional, historical and cultural ties, economic expediency, regional policy, and the requirements of town and country planning.
Measures for a new delimitation of federal territory shall be effected by federal statutes which shall require confirmation by referendum. The Lander thus affected shall be consulted.
A referendum shall be held in the Lander from whose territories or partial territories a new Land or a Land with redefined boundaries is to be formed (affected Lander). The referendum shall be held on the question whether the affected Lander are to remain within their existing boundaries or whether the new Land or Land with redefined boundaries should be formed. The referendum shall be deemed to be in favour of the formation of a new Land or of a Land with redefined boundaries where approval is given to the change by a majority in the future territory of such Land and by a majority in all the territories or partial territories of an affected Land whose assignment to a Land is to be changed in the same sense. The referendum shall be deemed not to be in favour where in the territory of one of the affected Lander a majority reject the change; such rejection shall, however, be of no
(5)
(6)
consequence where in one part of the territory whose assignment to the affected Land is to be changed a majority of two-thirds approve of the change, unless in the entire territory of the affected Land a majority of two-thirds reject the change.
Where in a clearly definable area of interconnected population and economic settlement, the parts of which lie in several Lander and which has a population of at least one million, one tenth of those of its population entitled to vote in Bundestag elections petition by popular initiative for the assignment of that area to one Land, provision shall be made within two years in a federal statute determining whether the delimitation of the affected Lander shall be changed pursuant to paragraph (2) OF this Article or determining that a plebiscite shall be held in the affected Lander.
The plebiscite shall establish whether approval is given to a change of Lander delimitation to be proposed in the statute. The statute may put forward different proposals, not exceeding two in number, for the plebiscite. Where approval is given by a majority to a proposed change of Lander delimitation, provision shall be made within two years in a federal statute determining whether the delimitation of the Lander concerned shall be changed pursuant to paragraph (2) of this Article. Where approval is given, in accordance with the third and fourth sentences of paragraph (3) of this Article, to a proposal put forward for the plebiscite, a federal statute providing for the formation of the proposed Land shall be enacted within two years of the plebiscite and shall no longer require confirmation by referendum.
A majority in a referendum or in a plebiscite shall consist of a majority of the votes cast, provided that they amount to at least one quarter of the population entitled to vote in Bundestag elections. Other detailed provisions concerning referendums, popular petitions and plebiscites (Volksentscheide, Volksbcgeh-
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ren, Volksbetragungen) shall be made in a federal statute; such statute may also provide that popular petitions may not be repeated within a period of five years.
Other changes concerning the territory of the Lander may be effected by state agreements between the Lander concerned or by a federal statute with the approval of the Bundesrat where the territory which is to be the subject of a new delimitation does not have more than 10,000 inhabitants. Detailed provision shall be made in a federal statute requiring the approval of the Bundesrat and the majority of the members of the Bundestag. It shall make provision for the affected communes and districts to be heard.
Previous version
(as amended 19 August 1969, Federal Law Gazette I p. 1241)
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The federal territory shall be reorganized by federal legislation with due regard to regional ties, historical and cultural connections, economic expediency and social structure. Such re-organization should create Lander which by their size and capacity are able effectively to fulfil the functions incumbent upon them.
In areas which became, upon the re-organization of the Lander after 8 May 1945, part of another Land without the holding of a plebiscite, a definite change of the decision regarding such incorporation may be demanded by popular initiative within one year of the coming into force of this Basic Law. Such popular initiative shall require the assent of one tenth of the people entitled to vote in Land diet (Landtag) elections.
It a popular initiative has received the assent required under paragraph (2) of this Article, a referendum shall be held in the area concerned not later than 31 March 1975, or in the Baden area of the Land of Baden-Wiirttemberg not later than 30 June 1970, on
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whether or not the proposed transfer shall be made. If the transfer is approved by a majority comprising at least one quarter of the people entitled to vote in Land diet elections, the territorial position of the area concerned shall be regulated by a federal law within one year after the referendum has been held. Where several areas within the same Land demand to be transferred to another Land, the necessary regulations shall be consolidated in one law.
Such federal law shall be based upon the result of the referendum from which it may depart only to the extent necessary to achieve the purposes of re-organization as specified in paragraph (1) of this Article. Such law shall require the assent of a majority of Bundestag members. If it provides for a transfer, not demanded by a referendum, of an area from one Land to another, the law shall require approval by referendum in the entire area to be transferred; this shall not apply it in the event of the separation of areas from an existing Land the remaining areas are to continue as a Land in themselves.
Following the adoption of a federal law on the re-organization of the federal territory by a procedure other than that laid down in paragraphs (2) to (4) of this Article, a referendum shall be held in every area to be transferred from one Land to another, on those provisions of the law which concern that area. If such provisions are rejected in at least one of the areas concerned, the law must be reintroduced in the Bundestag. Should it be enacted again, the relevant provisions shall require approval ’by referendum throughout the federal territory.
A referendum shall be decided by the majority of votes cast; this shall, however, not affect paragraph (3) of this Article. The pertinent procedure shall be laid down by a federal law. Should re-organization become necessary as a result of the accession of

another part of Germany, such re-organization should be concluded within two years of such accession.
(7) The procedure regarding any other change in Land boundaries shall be established by a federal law requiring the consent of the Bundesrat and of the majority of the members of the Bundestag.
Original version
(23 May 1949, Federal Law Gazette I p. 1)
(1) The federal territory shall be reorganized by a federal law with due regard to regional unity, historical and cultural connections, economic expediency and social structure. The re-organization shall create Lander which by their size and potentiality are able to fulfil efficiently the functions incumbent upon them.
(2) In areas which, in the re-organization of Liinder after 8 May 1945, joined another Land without plebiscite, a certain change in the decision made concerning this subject may be demanded by popular initiative within one year after the coming into force of the Basic Law. The popular initiative shall require the consent of one-tenth of the population qualified to vote in Landtag elections. Should the popular initiative take place, the Federal Government must, in the draft law regarding the re-organization, include a provision determining to which Land the area concerned shall belong.
(3) After adoption of the law, in each area which it is intended should join another Land, that part of the law which concerns this area must be submitted to a referendum. If a popular initiative takes place in accordance with paragraph (2), a referendum must always be carried out in the area concerned.
(4) Insofar as thereby the law is rejected at least in one area, it must be reintroduced in the Bundestag. After re-enactment, it shall

require accordingly acceptance by referendum in the entire federal territory.
(5) In a referendum, the majority of the votes cast shall decide.
(6) The procedure shall be regulated by a federal law. The re-organization shall be regulated before the expiry of three years after promulgation of the Basic Law and, should it be necessary in consequence of the accession of another part of Germany within two years after such accession.
(7) The procedure regarding any other change to the existing territory of the Lander shall be regulated by a federal law, which shall require the approval of the Bundesrat and of the majority of the members of the Bundestag.
Article 1 18
(Federal Law anch I 1949 p. 1)
A new delimitation of the territory comprising the Liinder of Baden, Wiirttemberg-Baden and Wiirttemberg-Hohenzoliern may be effected, notwithstanding the provisions of Article 29, by agreement between the Lander concerned. Where no agreement is reached, the re-organization shall be effected by federal legislation which shall provide for a plebiscite.

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1’ Since 1992 the South African debate on regional government has
. shifted its focus to the content of regional government and the way that
" it could contribute to democratisation, improved government, the
Qbrevehtion of eonfiiet and the accommodation of ethnic and other
REGIONALISM
Problems and Prospects? I".
The bicentr’e fot Constitutional Analysis at the Human Sciences
Research Council (HSRC) has been actively involved In the stimulation
’3’ and development of the debate on regional government in South Africa.
Some of the Initiatives taken by the Centre have included comparative
research the running of workshops, the involvement of intcmatioml
schdlars and various publications. This latest book attempts to make a
pmetieal cbhtrib’utio’n to the debate and is therefore intended to provide
ptactItIoners with a framework that could be used for thc solving of
problems that are faced’ In and outside of the negotiation process.
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Fqur crucial topics are addressed in this publication, namely. the
demarcauon of regions, the powers and functions of regions, regional
I representation in national institutions and the composition of regional
. in_stittItions. Each of these Issues is analyzed from both an international
xand local perspective, and In each case, problems have been identified,
’ as well as ways of addressing them, outlining the prospects possible for
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