

**MEMORANDUM FOR BRIEFING OF
THE COMMISSION ON THE DEMARCATION/DELIMITATION OF REGIONS
AT ITS FIRST MEETING ON TUESDAY 8 JUNE 1993 AT 08H30
AT THE WORLD TRADE CENTRE, KEMPTON PARK**

1. Background

After the issue of the advisability of a Commission/Committee on regions was referred by the Planning Committee to the Technical Committee on Constitutional Issues, and after having received a recommendation from the Technical Committee and the Sub-Committee of the Planning Committee, the Planning Committee decided to recommend to the Negotiating Council that a Commission on the Demarcation of Regions should be established. The Terms of Reference as well as the names of the proposed Commissioners were put to the meeting of the Negotiating Council on Friday 28 May 1993 and accepted. After one nominee had withdrawn, two additional persons were added to the list, Dr Helen Ngobese and Dr Beauty Malefo. The accepted resolution is annexured as Addendum A.

The Sub-Committee of the Planning Committee (consisting of M Maharaj, B Ngubane, SS van der Merwe) and the Administration were mandated by the Planning Committee to liaise with the Commission, and more specifically its two Co-Chairpersons, with regard to logistical and administrative arrangements for the work of the Commission. The Sub-Committee was further mandated by the Planning Committee to give guidance to the Commission about its Terms of Reference and work programme.

After consultation with the two Co-Chairpersons, Dr Bax Nomvete and Professor Flip Smit, a meeting took place between the Co-Chairpersons, the Sub-Committee and the Administration. The agenda for the first meeting was agreed to at this meeting.

2. Objectives and Mandate

As is clear from the resolution of the Negotiating Council meeting of 28 May 1993, the main objective of the Commission is to report back to the Negotiating Council in six weeks time with recommendations on the demarcation of South Africa in regions, realising that regional boundaries will be relevant to the electoral process, as well as to the structures of the Constitution. The factors that the Commission should take into account are listed in the annexured resolution. It should be noted that the question of structures, powers and functions of regions is not included in the Commission's Terms of Reference, but assigned to the Technical Committee on Constitutional Issues.

The Commission was furthermore mandated to "hear representations from the public at large and from different areas of the country", and in this process to "allow

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

The Commission was, finally, mandated to take cognisance of any material it might wish to collect and of any progress made in the Negotiating Council by way of agreements on constitutional matters. For this reason, four reports of the Technical Committee on Constitutional Issues are annexured as Addendum B.

3. Time Frames

It is therefore clear that, from the date of its first meeting, the Commission has six weeks to report to the Negotiating Council, four of which will have to be used for gathering of submissions, evidence and information.

4. The First Stage of the Commission's Work : The Gathering of Information and Hearing of Evidence

4.1 An urgent decision to be taken by the Commission is in which way to publish invitations to interested parties and persons to submit evidence to the Commission. It is recommended that this be done through the media both printed and electronic, as well as to the participants in the Multi-Party Negotiating Process.

4.2 A second decision is required about the form of the submissions so tendered. It is recommended that this should principally be in writing, but that parties and persons should be free to apply to the Commission to address the Commission (or its representatives) on a written submission.

4.3 Given the issue at stake, it is further recommended that the Commission (or its representatives) receives submissions and hears evidence at the World Trade Centre, but also in other parts of South Africa. For this reason, it will be necessary to set up two day meetings in the following centres:

- * Cape Town
- * Port Elizabeth
- * Upington
- * Bloemfontein
- * Durban
- * Ladysmith/Newcastle
- * Pietersburg

5. The Second Stage of the Commission's Work : The Processing of Evidence

After the first stage, and indeed while it is happening, the Commission (or its professional staff appointed on recommendation by the Commission) will have to process the information that has been gathered. This information will have to be put in a form which is conducive to the Commission drawing up a final report in the third stage of its work.

6. The Third Stage of the Commission's Work : The Preparing of the Final Report

After the four weeks for the gathering of evidence have elapsed, the Commission will have another two in which to prepare its report to the Negotiating Council. Given the date of the first meeting of the Commission this will be in the week commencing 19 July 1993.

7. Support Staff Required

7.1 Given the technical nature of the Commission's work, it is recommended that a distinction should be made between two categories of support staff:

- * Administrative and Secretarial support staff, who will be provided by the Administration of the Multi-Party Negotiating Process and who will be based at the World Trade Centre. This category will, from time to time, be assessed and provided as needs arise.
- * Technical support staff, who will have knowledge and expertise required to support the Commission in their task. These persons could be, as the need arises, be acquired on recommendation of the Commission to assist it in specific aspects of its work, drawn from amongst professional people.

7.2 Mr Saul Bodibe, Administrative Manager of the Multi-Party Negotiating Process will act as Administrative Secretary. He will be assisted by Mr Frans du Preez of the Constitutional Development Service.

7.3 In accordance with a decision of the Planning Committee, Dr Renosi Mokate of the Development Bank will act as the Technical Secretary to the Commission, working in close liaison with Mr Bodibe.

8. **Finances**

The proceedings of the Commission will be financed by the Constitutional Development Service, through the Administration at the World Trade Centre. Members of the Commission will be remunerated in accordance with the guidelines laid down for statutory commissions. Accommodation and travel arrangements can be made on a prepaid basis through the Travel Office of the Administration at the World Trade Centre or claimed afterwards. Please see Addendum C for full details.

9. **Facilities Required**

Although it is difficult to determine what exact facilities will be required for the work of the Commission over the next six weeks, the following are available:

- * Offices for both administrative and technical staff;
- * Word processing facilities;
- * Photocopying facilities;
- * Faxing facilities; ✓
- * Telephones
- * A meeting room for the Commission; and/or a room for hearing public evidence
- * Two offices where commissioners can work
- * Travel and accommodation facilities
- * Security on the World Trade Centre premises
- * If necessary, limited office space for Commissioners.

The Administration at the World Trade Centre will do everything in its power to provide the Commission with everything its needs to complete its heavy workload in the time required.

10. **Members of the Commission**

For the convenience of the members of the Commission, curriculum vitae of as many Commission Members as were available are included as Addendum D.

**RESOLUTION BY THE PLANNING COMMITTEE TO
THE NEGOTIATING COUNCIL MEETING OF 28 MAY 1993
ON THE COMMISSION ON REGIONS/STATES/PROVINCES**

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

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

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

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

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

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

WE, THE NEGOTIATING COUNCIL hereby appoint

Dr Bax Nomvete and Professor Flip Smit
as Co-Chairpersons, and

1. Basson Dion, Prof
2. Bernstein Ann, Ms
3. Daphne Paul, Mr
4. Du Plessis A, Mr
5. Govinden Betty, Ms
6. Gwagwa Lulu, Ms
7. Khumalo JAM, Mr Justice
8. Muthien Evonne, Dr
9. Ncamashe-Burns, Chief
10. Nkuhlu W, Professor
11. Rautenbach I, Professor
12. Reyneke Koos, Mr
13. Steyn Anna, Professor

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

FOR THE PURPOSES of its recommendations, the Commission shall:

1. Take into consideration, inter alia, the following:
 - 1.1 Historical boundaries, including provincial, magisterial and district boundaries and infrastructures;
 - 1.2 Administrative considerations including the availability or non-availability of infrastructures and nodal points for services;
 - 1.3 The need or otherwise to rationalise existing structures (including the TBVC States, self-governing territories and regional governments);
 - 1.4 The necessity of limiting financial and other costs as much as is reasonably possible;
 - 1.5 The need to minimise inconvenience to the people;
 - 1.6 The need to minimise the dislocation of services;
 - 1.7 Demographic considerations;
 - 1.8 Economic viability;

1.9 Development potential;

1.10 Cultural and language realities;

2. Allow interested parties and persons to submit their views and recommendations within a specified period, which should not be less than one month after an invitation in this regard has been published, and take these into account;
3. Be free to take cognisance of any other material it might wish to collect; and
4. Take cognisance of any progress made in the Negotiating Council by way of agreements on constitutional matters.

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