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TO: CODESA

ATTENTION: The Secretariat of CODESA or the relevant Working Group

FAX NUMBER: 011 - 379 2211

DATE: 20 February 1992

NUMBER OF PAGES INCLUDING THIS ONE: 4

SENT BY: C.T. Morgan

SENDER'S FAX NUMBER: 01311- 551172

MESSAGE: Kindly peruse and pass on to relevant Working Group for comment and response.

Sincerely hope that the forth-coming Referandum does not derail your attempts to find a peaceful settlement. Personally denounce the idea of a racist referendum and appeal that actors in the negotiation process retain their sanity and participate in a spirit openness.

Mr C.T. Morgan
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20 February 1992

The Secretariat of CODESA
P.O. Box 307
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1600

INTERIM MEASURES FOR LOCAL GOVERNMENT ACT NO. 128 OF 1991

Sirs

I believe it is pertinent that CODESA reviews the Government's sincerity regarding negotiations in the light of the Interim Measures for Local Government Act No. 128 of 1991.

In the spirit of democracy, local communities are requesting that members of racial structures resign in order to prepare for a new dispensation for local government. All over the country, apartheid structures have either collapsed or are willing to dissolve themselves and want to negotiate with progressive structures. Some members who have seen the light, have voluntarily resigned and joined hands in unity with their local communities but certain Town Councils, their surrogates and Provincial Administrators are slavishly adhere to existing practices and are striving to maintain racially constituted structures against the wishes of the people. Unilateral decisions are taken and nominations are made in order to maintain the status quo. This is totally in contradiction to the spirit of CODESA.

CODESA needs to urgently demand that the Government repeals the Interim Measures for Local Government Act No. 128 of 1991 immediately in order to display the determination and sincerity to negotiate in trust and goodwill.

A very disturbing factor is the Government's call for an all-white Referendum. It is clearly indicative that they are truly not committed to the negotiation plan but are using any avenue to remain in power. There is a dire need to test their motives and everything must be done to discover whether they do not have another agenda up their sleeve.

It is imperative that CODESA draws up its own Interim Measures for Local Government that uphold the principles of democracy. Guidelines need to be set to all structures. Local communities must be permitted to dismantle racial structures if general consensus exists.

The Government, in passing its Act, is trying to put its own bias version of local government in place to pre-empt the outcome of national negotiations CODESA further needs to urgently take note that while the Act is called "interim" the structures which could be set up in terms of the said Act may be very difficult to dismantle at a later date. Local authorities are only woodwinking the people on the ground under the guise of democracy in order to set up structures in terms of their own policies. The Government is trying to change local government now, before we have negotiations about a new constitution for the country. It is because they want to keep privileges that their supporters have, even when we have a "New South Africa".

The Act has no guiding principles such as democracy and non-racialism to guide the restructuring of local government.

The Act tries to solve the problem of restructuring local government from top down. It allows for the setting up of negotiating forums by discredited racial structures. The Provincial Administrator has the power to appoint a mediator, decide who should represent the community, and approve the final agreement. It is distressing to see how they strive to keep their lackeys in Office against the popular demands of the people. Management Committees have the right to block any agreement that does not favour them. Is this the type of democracy we are busy negotiating ?

Two or more 'local bodies' can meet together and draw up an agreement to merge into one new body. The problem is that this can be done without any consultation. This will mean that even if a new council is non-racial it will be accountable to all the people in a town or city. For this reason I am saying that the Act produces undemocratic structures.

To improve the present system of local government, I would suggest that CODESA take cognisance of the South African Law Commission Report on Constitutional Models, regarding the following issues:

1. The re-integration of South Africa's divided cities and towns, steering development away from a dispersed and racially divided growth pattern to a more compact accessible and productive urban system.
2. The "opening up" of all cities to afford equal opportunities and access to all facilities and services in the urban areas.
3. A new urban and rural financial strategy designed to make maximum use of the available resources and to develop them.

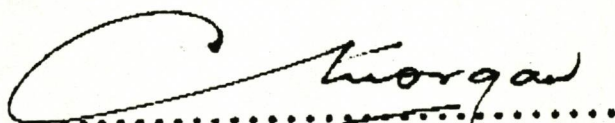
4. An effective housing policy including financial assistance to the poor to enable them to acquire land, and the rendering of services.
5. The provision and creation of employment.

Finally CODESA needs to expound a vision of how resources could be expanded in future, and how they could be used more efficiently and democratically.

I wish you successful negotiations and sincerely hope that all parties call for consolidation of separated black and white authorities into single non-racial councils with a single, unified tax base, serving as acceptable local governments in a non-racial, non-sexist, democratic South Africa.

I am eagerly awaiting a response from you.

Yours faithfully

A handwritten signature in cursive script, appearing to read 'C.T. Morgan', written over a dotted line.

C.T. Morgan

20.2.92.

CT Morgan
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1200



9/3/92

Dear Sir

Thank you for your submission dated 20/2/92.

We would like to advise that as per the Terms of Reference of each Working Group it is the task of Working Group 5 to among other things look into the implementation of the decisions of the various Working Groups.

It has also to look at the formulation of relevant legislation to facilitate such implementation.

It is therefore clear that whatever the different views and sentiments of different Parties on different issues, it is expected that consensus will be achieved even on such matters relating to appropriate legislation.

Yours Sincerely

A handwritten signature in dark ink, appearing to read 'Murphy Morobe', written over a horizontal line.

Murphy Morobe

(Head: CODESA Administration)