

Local and regional government beyond apartheid

From race to class power?

Very little has been said in National Party (NP) circles about regional government. The emphasis on local government is probably understandable because most resistance to apartheid, especially between 1984 and 1987, was concentrated at local level. And it was from grassroots level that apartheid and its organs were challenged. By rejecting apartheid local government structures, the democratic movement challenged not only the legitimacy of the apartheid state but deliberately focused its attention on political questions. In this way it challenged the unequal division of resources, scrutinised inadequate services to black people by local authorities and fundamentally questioned the issue of the apartheid state, its political organs and administrative structures. At the same time the need to strengthen the unity of class and national forces both at local and national level was emphasised.

Unity created new possibilities for an intensified and sustained political offensive. NP concentration at local government level can only be interpreted as a last ditch stand to ensure that the privileges whites are to lose at central government level are shifted and entrenched at local government level.

National Party constitutional proposals

Vague statements have been heard from the NP heralding the end of the apartheid and the drawing up of a new constitution. President De Klerk and Constitutional Minister Gerrit Viljoen maintain that the NP wants constitutional arrangements which will provide for:

- devolution of authority;
- decentralisation of power to regional and local levels;
- possibly a bicameral parliament;
- a Bill of Rights;
- an independent judiciary.

The ANC's ZOLA

SKWEIYA argues the case for flexible decentralised forms of government which go beyond the De Klerk/Viljoen proposals, which are designed to preserve the essentials of white privilege within the context of a shift from race to class power.

Their proposal for a parliament provides for one house based upon a non-racial, one person, one vote franchise. They also propose a second chamber in which group interests would be represented. According to this proposal, every law passed by both houses could be vetoed by 'minority groups' and all decisions would have to be taken by consensus or loaded majority.

Devolution of authority and decentralisation imply original powers to regional and local authorities. This would strip a central government of effective powers. A combination of this proposed parliamentary structure with the proposed devolution of authority and decentralisation of power, would not only make parliament weak and toothless, but would also completely rob it of any power to carry out its developmental programmes at regional and local levels.

The Bill of Rights proposed by the NP is designed to protect minority interests, and existing privileges and rights. This is further buttressed by Judge Pierre Olivier's Bill of Rights which not only provides for freedom of association, but also freedom of disassociation for all individuals and 'groups'. The De Klerk/Viljoen proposals envisage a strong judiciary which will act to protect the Bill of Rights. But this judiciary will remain under white domination for decades to come, despite steps that might be taken by

a post-apartheid government to remove all racial restrictions on joining the judiciary.

Most disquieting of all is the fact that these proposals are being made in the midst of a concerted effort to privatise the economy, especially housing. It is in this context that the establishment of the Steyn Fund should be considered. With privatisation already taking place in the education and health sectors, it is quite feasible that a Bill of Rights which provides for the right of disassociation, could give 'groups' who control property, facilities and amenities, the right to exclude others.

The De Klerk/Viljoen proposals effectively offer:

- A weak parliament unable to effect transformation of any kind.
- The entrenchment of powerful economic privileges and other interests, and the maintenance of current white privileges.
- A constitution which institutionalises privatised apartheid and maintains existing inequalities.
- A judiciary to defend this arrangement.

Political implications

In plain political terms the De Klerk/Viljoen proposals are an attempt to secure and entrench white privileges while appearing to concede some power to the black communities.

This they hope to achieve by ensuring a future South Africa with a capitalist state in which class balances race in a system of checks and balances.

NP thinking has three distinct trends: local, economic and national. The local one is the most immediate for the party leadership because the concerns of whites about changes is most intensely focused on the very human question of what will happen to their schools, neighbourhoods and property values.

These concerns are reflected in the present government proposals for small, strong local government units, control-

ling their own schools, police and other municipal services. Whites would not simply run their own local affairs, but they would also command resources, from a wealthier tax base, that would enable them to maintain a separate and privileged way of life.

From race to class power

The fact that some members of other races might join whites in their privileged suburbs would not weaken the white position. Indeed the key to the NP's ideas, is that it wants to make the transition from racial to class power, or rather to produce a hybrid of the two. It is in this light that the opening up of the NP to all races should be judged along with its preference for the Swiss canton system as a constitutional model for a post-apartheid South Africa.

The Urban Foundation's scheme for improving slums and squatter camps in african areas seems to bolster this approach. The main aim is to encourage africans to accept their present lot and be satisfied with remaining in their present residential areas. One cannot help but suspect that this perpetuate the present unacceptable conditions for black people even beyond apartheid.

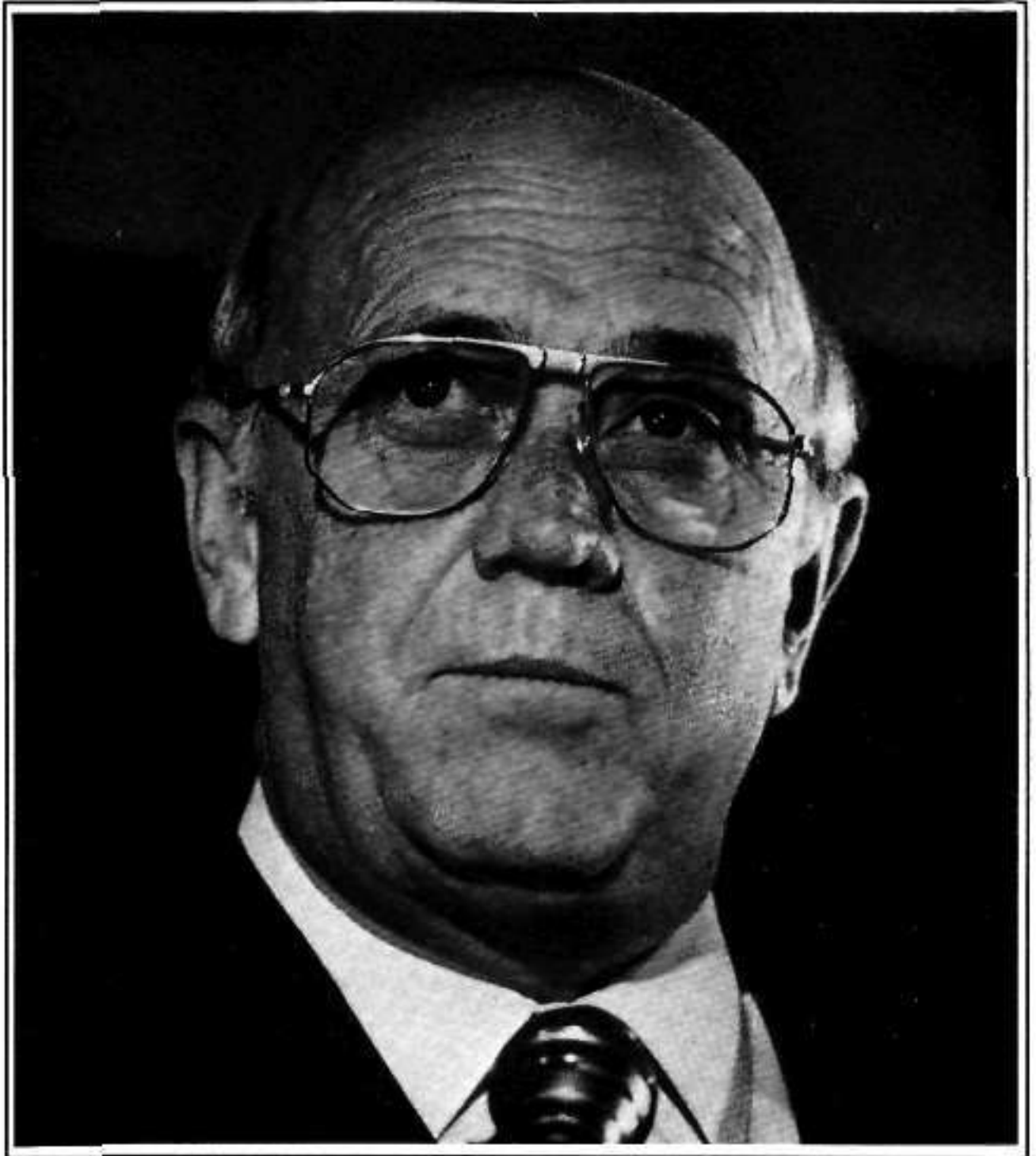
This approach, coupled with the defence of white economic power, seems to offer to black people, especially africans who live under the most appalling conditions, a raw deal. These principles also appear to be central in the local government options and models offered by the government. All these proposals are a sophisticated attempt to maintain white privileges in all but name. They fail completely to address the fundamental issues of the redistribution of wealth and resources.

The NP concept of regional government

So far the NP has not been forthcoming on its plans for regional government (usually the main level of government between central and local government, which may also act as a support for local government, particularly in rural areas).

In an address to the Administrators's Conference in Pietermaritzburg late last year, De Klerk called for a smaller, simpler, more streamlined and effective system of regional government.

Unfortunately, his address raised far more questions than answers. There were no concrete suggestions as to how a future regional government should be constituted in a unitary, non-racial and



FW DE KLERK: The De Klerk/Viljoen proposals effectively offer a weak parliament unable to effect transformation of any kind, and the entrenchment of powerful economic privileges and other interests

democratic South Africa.

Overall the NP regional government proposals placed a lot of emphasis on contrasting as a dilemma, a South African union versus a federation. But this is surely not the question we should be asking. Rather it should be what, in the context of a unitary democratic South Africa, are the issues that regional governments should be responding to.

De Klerk, rather abstractly, supported decentralisation. However, the issue is complicated. For instance, how do we deal with the unevenness of resources between areas, how do we distribute at the centre in order to deal with apartheid-created inequalities?

De Klerk's neither addressed the question of the capacity of regional government to effectively redistribute resources, nor did he indicate how the present civil service will be restructured.

Apartheid models of regional government, whether provincial or bantustan,

have always been fundamentally flawed and have always been based on very narrow definition of democracy and people's rights. De Klerk statement has been very silent on this.

Overall the NP has not said anything of substance about regional or national government. And we are still waiting for concrete proposals on local government. I think it is time we all begin to get away from platitudes and began to involve ourselves in a serious consultative democratic process leading to a unitary, non-sexist democratic South Africa.

The ANC's vision

The ANC proposes a unitary South Africa based on popular participation at all levels. In terms of this conception, there can be no original powers for regions and local authorities on major issues such as political power, land, economy, health education, housing policy etc. On all major issues powers exercised by regional and

local authorities would be derived powers. In its 1988 Constitutional guidelines the ANC emphasised the need vest sovereignty in the people 'as a whole', to be exercised through one central legislature, executive and administration.

At the same time the ANC recognises the importance of relating government powers and decision-making closer to the people. As such it proposes to delegate the powers of central authority to subordinate administrative units for more efficient administration and democratic participation.

The central government would have broad policy-making powers on all major issues like education, health, agriculture etc. but the execution of these would be vested in or shared with the regional administration. The central government would retain a supervisory role in monitoring the implementation of policy decisions by these 'subordinate' authorities. This would ensure uniformity of approach in the allocation of resources to taxation arrangements and to the overall management of the economy.

This would also facilitate the government's adoption of policies that will enhance national coordination and would help in developing industrial policies aimed at transforming imbalances between black and white people, between urban and rural areas and between regions (ANC/COSATU, *The Economy Beyond Apartheid*).

Despite this a very lively debate is raging within the ANC on the need for decentralisation. The need for relating governmental powers and decision-making closer to the people is recognised. There is a general feeling that central government must control issues of national policy and must ensure national standards. However, regional and local authorities must be given some leverage on issues of competing priority.

The following points have been raised in favour of setting up regional government:

- Political gains could be made through the efficient allocation and management of local government resources, knowledge and accountability.
- Power can be shared between levels of government as a means of maintaining popular consent to government.
- Regional government can be a way of ensuring that development problems are taken up.
- Regionalisation is a way of encouraging divergent paths towards industrialisation and modernisation, given the differ-



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ent mixes of natural resources, worker skills, and market opportunities of different regions.

- Regional government could be given considerable more autonomy in shaping economic growth and modernisation.
- Regional government might be more responsive and sensitive to local needs and conditions.

Decentralisation

In the debate for and against decentralisation it has become clear that decentralisation can mean different things to different people. We suspect that in the NP's case for decentralisation, the aim is to weaken the central state and strengthen the logic of privatisation and the free market.

There is a need for some decentralisation, but it is not a simple solution. It is hoped that some form of decentralisation would encourage accountability to the people and sensitivity to local needs. Decentralisation is potentially more effi-

cient, and less bureaucratic. It offers local control and has the potential to be democratic.

At the same time decentralisation is open to exploitation by local elites who may act against the interests of the poor. Sectors of business may be more organised than popular organisations at the regional level - thrusting these organisations into a weaker position than they might be at national level. The way decentralisation works, and in whose interest, will depend partly on what decentralisation means in practice and on the strength of various groups at local level.

In opting for regions the following should be observed:

- An important criteria must be the existence of a community of interests within each region.
- Some economic equality between regions is desirable. In its absence some arrangements for the equalisation of poorer regions, preferably with a constitutional base and a philosophy to underpin those arrangements.
- Each level of government should have a revenue-raising capacity roughly comparable to its expenditure responsibilities - any redistribution arrangements must at least have constitutional recognition.

The present debate underlines the fact that stronger regional governments and larger local authorities would be able to conduct their affairs more efficiently. They would be better able to amass and manage local resources and provide better services than the central government, and thus be better able to fulfil an important objective of national policy. As such they would easily act as development agencies in the regions with an integrated structural and social plan.

There is a general consensus that the 'bantustans' should be discarded in favour of regional governments. If that should be the case there is a danger that any continued reliance on traditional white local authorities would subvert the central role of local democracy. For this reason the recently released ANC/Cosatu policy document *The Economy Beyond Apartheid* emphasises that 'state policies would include integration of towns and cities into metropolitan management structures and an end to separate black local authority "structures"'.

Minority rights

Local and regional government will operate under the general political arrangement of a written constitution with a Bill

of Rights which would entrench traditional civil rights. In addition cultural rights such as the right to language and education (including private education) can be invoked by individuals. This approach is based on the idea that no-one may be discriminated against on the basis of race, ethnicity, gender or social status.

In addition, there must be recognition that the cultural, social and economic diversity of South Africa requires the adoption of an electoral system at all levels (central, regional and local) which will enable sectoral groups and political tendencies to be adequately represented in decision-making.

A recent ANC workshop on electoral systems held in Stellenbosch recommended the study and possible adoption of proportional representation at all levels, as the best way to ensure adequate representation of all interests and political tendencies. It is also necessary to emphasise that there are different forms of devolution where central government powers are delegated without relinquishing sovereignty. Which one of these forms gets adopted will depend on the current political arrangements, as long as it is understood that the central government authority is maintained.

At this stage the debate on regional and local government has just begun. There is a need for a more extensive discussion on these issues. Technical questions of efficiency should be considered no less important than political questions. In order to entrench democracy into the future, the restructuring of regional and local government should be undertaken with a clear understanding of the social forces in existence.

Need for flexibility

The ANC consultative conference on local government held in Johannesburg last October, stressed the need for flexibility in future policy formulation. It suggested that there may be merit in setting up temporary regional and local structures for areas which are and will be undergoing major changes, to address the specific problems which arise in the transitional period. This should apply to the boundary districts of the bantustans after the Land Acts and the Group Areas Acts are scrapped, and to rapidly urbanising metropolitan areas.

The goals of this would be:

- To create the basis for the reunification of South Africa by incorporating the bantustans;
- to promote national reconciliation, es-



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establish the basis for a more just and equitable allocation of resources and rectify the legacy of apartheid;

- to foster economic growth, democratise government and empower communities;
- to develop efficient and effective structures for planning and catering for rapid urban growth, service delivery and support for smaller local authorities and rural areas.

The October conference stressed the need for regional government to facilitate and coordinate the process of restructuring local authorities. It also emphasised the need to set in motion a process to establish new forms of regional and local governments. It warned that such a process should not take place in abstract but should have a clear political direction aimed at empowering the people.

Need for regional government

In summary the ANC sees a definite need for some form of intermediate government between national and local government, but that such regional government should not detract from the creation of a unitary, democratic, non-racial South Africa. While we reject federalism and

decentralisation as a strategy to retain privilege, we see the need to create new forms of regional government which recognise and address the problems of apartheid settlement patterns and the current uneven development across the country.

The ANC believes that its constitutional vision for a post-apartheid South Africa should lay down broad principles of government and its structures and organs, and the fundamental rights and liberties of the people. It should be framed in a broad and flexible style which would make it a useful instrument of socio-economic development and a lethal political weapon for the defence of the rights of the people.

It should not only spell out the rights of the people and the responsibilities of the individual, but should also keep pace with the development of society and reflect the general demands and expectations of the citizenry, because constitutions should be regarded as living documents dealing with the real problems of our contemporary generation.

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* Zola Skweyiya is the head of the ANC's Department of Constitutional Affairs. This paper was delivered at the Human Science Research Council symposium, Pretoria, in February.