

of the two groups of representatives.)

SESSION 1: MRS H. SUZMAN, MR C. EGLIN AND MR R. SWART

(The discussions ranged over the following subjects: the PFP's policies; the deprivation of citizenship rights; the loss of a future stake in South Africa; the adequacy of the consultation method before an independence step; the division of the country's land and other resources; decentralisation of power but not rights; a national convention and the possible reintegration of the independent "homelands" into South Africa; the basis for boundary-drawing; the protection of minorities and the protection of the weaker against unfair competition; international recognition; and the inducements that may have been offered to homeland leaders and citizens to accept independence.)

Mr Suzman said that it would have been inappropriate for her party to answer our questionnaire as its standpoint was so different from that of the government. She saw South Africa as a geographic whole with federal states which would be multi-racial and joined together in a federal parliament, which would take over specific tasks from the states, and these tasks would include defence, international trade, central budgeting and such-like, leaving the states with more autonomy than the existing South African provinces today.

Although her party was disturbed about many aspects of the whole homeland independence movements, the most disturbing of all was the deprivation of their South African citizenship of people of Xhosa and Tswana origin, who lived in South Africa, who were born in South Africa and who considered themselves South Africans. The commission put to her the South African government view that they were not being deprived of any rights that they had. She said that although this was true in part for the people concerned, the children born to them after independence would fall into the Section 12 category, and would have no rights. They would thus be losing their birthright. But it was not so much the rights that the citizens might have had pre-independence. It was rather the stake that they held in South Africa and the rights that they might be able to exercise in the future as a result of this stake, that they were now having to relinquish without any voluntary act on their part to do this.

Eglin added that it was no argument to say that the "citizens" had no rights, as this argument departed from the fundamental concept that citizens should have rights, and eventually this would be recognised in South Africa as well, but when that time came only those who had not yet agreed or been forced to relinquish their potential rights would be capable of enjoying them. Rights were not necessarily only political. They included the educational facilities that were available, the hospital services that were available and, indeed, the level of services that should be available and could be demanded. Job opportunities, of course, were the greatest single

Page 34 "right" that anyone in South Africa had.

Eglin continued that there was another side to the citizenship coin, and this was the attitude of white South African citizens towards the people who had been, but no longer were, their fellow citizens. He thought that it would be unreasonable to expect these whites to feel as concerned about Transkeians as they were when they were South Africans. They might agree to go on financing the Transkei, albeit with increasing reluctance, but their moral responsibility towards the people of that country could hardly be expected to be the same as it was towards their fellow black South Africans.

Whatever his party believed, it could not possibly object if a group of people in South Africa reached a clear open consensus decision to opt for independence. But this had never been done. The level of consultation, the precision of consultation and the breadth of consultation were all far less than the minima required.

Mrs Suzman said that the 1913 and 1936 Acts which the government held up as paving the way towards what was now taking place in South Africa were never part of a proper partition scheme for the country. They were doing no more than reserving certain areas for black ownership. No one, then or now, could think that the areas in question were at all adequate from the point of view of viability or equity if the purpose had now changed from an ownership reservation of some land to a basis for partition.

Land, of course, was only one of the country's many resources. The Prime Minister could say with justice that the thirteen or so percent of "black" land represented fifty percent of the country's arable land, but this begged the question of how relevant the country's arable land was to the whole economy of the country. He had not gone on to say, as he should have done, that the agricultural sector accounted for eight percent of the total economy. So, giving a group of people all the arable land in the country would not necessarily be a reasonable division of the cake.

Mr Eglin said that the method of distribution of these resources would never be less than a major problem. What was happening at the moment was that economic discrimination was being entrenched by so-called international boundaries, and this was a recipe for long-term conflict, but the longer South Africa could remain as one community the longer time there would be to call together a representative national convention, whose main function would be to agree to a division of the country's total resources on a reasonable basis.

In the party's federal proposal, only power would be decentralised, but not rights. The report of the PFP's 1978 constitutional commission was available, and the commission would be given a copy.

Mrs Suzman said that her party had no option but to accept the political

independence of Transkei and Bophuthatswana. This did not mean being economically dependent, however. Her view was that although there would be no forcible attempt to have these countries rejoin South Africa, they would be invited to join a federation of Southern African states when the time came. People had tried to equate the South African independent homelands with Botswana, Lesotho and Swaziland (BLS), but this was a false argument as the BLS citizens had never belonged to South Africa, and had therefore never had rights in South Africa.

Mr Swart agreed with PK that it was no longer possible in South Africa to use a chequebook to draw boundaries. There would have to be states in a federation, of course, and the Ciskei seemed an obvious one, particularly if it included East London and the corridor. But these states could not be exclusively populated with any one group of South Africans. He would be very interested indeed to see what the government's consolidation proposals eventually were when the consolidation commission had reported. The amounts of money involved in transferring land by purchase were so enormous that he was sure that the commission's demands could not be met unless there were to be acceptance of the principle that people other than blacks should be accommodated in the so-called homeland areas. The PFP's criteria for drawing boundaries included the existing economic political and social structures. The desire for homogeneity would also be a factor. GPQ asked whether he could foresee no difficulty in a situation where there was no separation between the ethnic groups in unfair competition arising between whites and blacks. Mr Swart said that the constitution would have to include a bill of rights and full trade union rights would have to be one of these rights. In any case, Mrs Suzman added, free competition was seldom unfair. Admittedly, the whites might have more skills at present, but the less skilled employee's willingness to work for less was often an attractive counter argument. This was shown by the numbers of blacks who were in, or were attempting to get into the common labour markets in the urban areas. The inequalities would have to be levelled out, and the education and training programmes would be the main planks of the policy to achieve this.

Mrs Suzman thought there was no doubt that unfair inducements had been offered to both the leaders and the citizens of the homelands to opt for independence. She referred to M.C. Botha's statements in parliament that people who accepted the citizenship of their homeland would get priority in the queues for housing and hospitalisation. The people had not been misled by those promises, however, and they had in fact been empty, and it was common cause that where the balance of advantage lay it was not in favour of the citizens of an independent homeland. Answering CHTL she said that in her

view all the homeland leaders had been and were being pressured to take independence. The pressure was most clearly financial, but there were other persuasions as well. The details in the case of Matanzima were well known. More funds were being voted for Transkei than for Kwazulu, because of the latter's intransigence. Favourable land transfers were agreed to. Perhaps Venda was the most curious example. This was a case when elections were held, but when these were won by the opposition party, South Africa continued to confirm its support for the existing Chief Minister, Patrick Mphahlele. Mrs Suzman said that the hollowness of it all was shown by one stark memory in her mind, which was that at the parliamentary culmination of the Transkei Independence Act not a single black man was in the public gallery to witness what should have been a day of rejoicing. Mr Eglin had another memory, which was Chief Mangope's speech accepting independence from President Diederichs. He said his people had gathered to hear what he had to give them, but what he had was much less than the ultimate. He said "I do not recognise this step as sovereign independence, but merely as greater independence".

AS raised the question of international recognition. In the case of Transkei and Bophuthatswana the principle reason for non-recognition seemed to be the acceptance by the international community that the homeland policy was the keystone of the whole South African apartheid edifice which was so widely condemned. However, there was also the fact that some western countries considered that the step had been foisted on the blacks and was not a spontaneous expression of their wishes. He asked for the PFP's views on the effectiveness or otherwise of a plebiscite in answering this criticism. The rules would have to be rigorous and obviously the Ciskeians inside and outside the Ciskei would have to be polled.

Mrs Suzman doubted that anything could lead to recognition. The crucial question in her view was that every time a homeland became "independent" a further number of South Africans lost their South African citizenship. This led to the numbers game, the desired conclusion of which was that all the blacks would be hived off to their own homelands leaving "South Africa" with a white, coloured and Indian population. There could be no international acceptance of this sort of thing. Mr Eglin added that one could also not avoid the conclusion that today the hostility towards South Africa had become unreasoning and almost anything that South Africa did was looked upon with naked hostility. However, if one put the hostility on one side for a moment, it would be essential that the plebiscite should be on questions that were reasonable alternatives. As long as the choice before the people concerned was that they should continue to get no rights in white South Africa or to acquire rights in an independent country that might not be viable or recognised, then this would not be seen as a fair choice. If, however, the

question was put: "Would you prefer to have full citizenship rights in a non-racial South Africa or to be a citizen of an independent Ciskei?" that might be considered fair. AS said that independence of the Ciskei or the status quo would also seem to be a fair pair of alternatives. Mr Eglin agreed with RIR that a single question framed as "Would you like an independent Ciskei?" would be meaningless as a method of persuading the international community to give that country recognition.

PROGRESSIVE FEDERAL PARTY SESSION 2: DR VAN ZYL SLABBERT, MR R. LORIMER AND PROFESSOR N. OLIVIER

(This session was more directly involved with Ciskei matters, Mr Lorimer having just returned from a visit to the Ciskei. His assessment of the situation in the Ciskei is followed by: a look back to Tomlinson; a review of Professor Lombard's theories; a consideration of Wiehahn and Riekert; and the consolidation and other commissions just set up; South Africa's strong controls of population movements; amalgamation; bargaining counters for independence; current changes in white opinion now that the generation nurtured on the "mother's milk of Verwoerdian ideology" was growing older and the possible irrelevance, as a result, of the Ciskei Commission; the cost of consolidation; federation versus confederation; the danger of South Africa moving towards a Rhodesian-type situation; and the extra-territorial powers that could be exercised by the Ciskei Legislative Assembly.)

Mr Lorimer thought the most pressing problem of the Ciskei was overcrowding. The purchase of new areas and the development of new areas were not keeping pace with the removals of people to the Ciskei from other parts of South Africa. Travelling around the Ciskei one saw tremendous contrasts such as the affluence of the capital intensive Keiskammahoek irrigation scheme, which gave a livelihood to 200 families, and the workless squatters from Humansdorp at Sada and elsewhere, where groups of five to ten thousand people were trying to survive. Glenmore appeared to be a model township in every way, but what its purpose might be no one could say. Water was obviously going to be vital to the agricultural future of the Ciskei, yet the Minister of Water Affairs had not been able to tell him what the relative rights to Fish and Orange waters might be of the Ciskei and South Africa. Overcrowding was not limited to the rural areas but extended to Mdantsane, the second largest black city in South Africa. The East London City electrical engineer had given him a population estimate for Mdantsane of 300 000. But housebuilding there was not keeping pace with the natural increase, let alone coping with those who were homeless and trying to get in. Further afield, too, the position seemed equally depressing. East London felt itself neglected, Duncan Village was scheduled for removal - so that clearly the Ciskeian surrounding areas had an uphill battle ahead of them to achieve anything like economic viability. There was a world of

difference between normal farming operations and the Keiskammahoeck and Tyefu schemes, and the latter could not be repeated unless water and capital ceased to be the limitations they now were. He agreed with commissioners that the potential for dry-land farming was enormous, and recommended them to look at what was being done at the Valley Trust near Durban, where agricultural outputs had increased enormously. Answering questions on Middledrift, he said that there was not enough infrastructure at present to attract anyone to start any industrial development whatever. Given sufficient capital and given the fact of Ciskeian independence, Middledrift would undoubtedly be more attractive than places such as Berlin, however. He agreed with RIR that for all practical purposes the border development policy was dead.

In his view consolidation would not really improve the situation. Apart from the cost (see later) further additions of land would not help if the land was merely going to be used for subsistence farming. Professor Olivier said that the situation had not changed materially since the Tomlinson Commission reported (he had served on the secretariat of that commission). For the success of his plan Tomlinson required very large numbers of people to leave the land for other employment, and he agreed with Mr Lorimer that land as such was no solution to the problem.

AS said that his recollection of the three principles in Tomlinson's report were that industrial economy was incompatible with rule by chiefs; that homeland land tenure had to be altered so that private tenure replaced communal tenure; and that white capital was necessary. Dr Verwoerd had said "no" to these conditions, but he wondered whether in Professor Olivier's view they were still necessary preconditions. Professor Olivier said that he could not comment on the first of these conditions, but he agreed that had the other two been accepted, the Ciskei today would be a very different place. Dr Slabbert said that he did not think that there would have been a rush of white capital to the homelands even if the government had permitted this at the time. He referred the commissioners to Professor Lombard's book "The Political Economy of South Africa", written fifteen years ago. Professor Lombard had said that if the South African government had had control of the economy to such an extent that it had been able to direct capital to go to particular places, then the homeland policy could have worked in Tomlinson's terms. However, South Africa had been a private enterprise system with capital following profits, and the private sector would not have been prepared to accept the risk of investments in the homelands. These economic arguments remained valid, whether we were talking about South Africa, an independent Ciskei or anything else, but if we directed ourselves to the constitutional and political issues, then a whole host of new problems presented themselves. The principle one of these was the recognition question,

because if recognition were not possible, then the economic problems would be compounded.

Emphasising Mrs Suzman's view (see page 34) that the Acts earlier this century were not intended as a basis for political separation of different areas of South Africa, Professor Olivier reminded the commission that the 1936 Act, which added seven and a quarter million morgen to the total of the land areas scheduled for ownership by the blacks, coincided with other legislative provisions for black representation in the House of Assembly and Senate and the Cape Provincial Council and the establishment of the Native Representative Council. In other words, those earlier Acts had dealt with land ownership merely, and there were many other indications that they had nothing to do with future political changes. This was all part of the legitimacy argument - whether the South African government had legitimacy on its side in acting as it was and whether, indeed, a country such as Transkei could be considered as legitimately independent, when not more than 3 percent of Transkeians citizens living outside Transkei participated in the election bringing about the so-called independence. Dr Slabbert added that the security measures operating in the Ciskei (Proclamation R252) determined the degree to which Ciskeians could organise themselves politically and take a stance other than the government one on the important questions that lay ahead. A crisis of legitimacy had nothing to do with legality. It was possible to talk about legitimacy without saying that a regime was illegal. Legitimacy was determined by the degree of consent on the part of those governed. Consent was determined by things such as freedom of association, organisation, speech and movement - and especially as these criteria applied to the different political leaders competing for power. What he had heard and read about the Ciskei did not nothing to encourage him that the legitimacy question would be overcome. Mr Lorimer referred to the particular case of an interview he had had a few days before with the previous Minister of Agriculture in Dr Sebe's government, who now led one of the Ciskei opposition parties. His complaint was that he could not exercise any political power within the Ciskei as he had been detained under Proclamation R252 - as had his family - and he was now forced to live outside the Ciskei. He wanted him to approach the South African authorities to use their influence to stop the Ciskei, as he put it, from operating the proclamation in illegal manner. Mr Lorimer could not comment on a particular case, but said that the existence of the proclamation which permitted detention without trial militated against the concept of legitimacy. Dr Slabbert agreed with EJM, however, that the question of legitimacy was almost endemic to governments throughout Africa. However, South Africa's job was to try and achieve legitimacy in its own country, and the PFP proposals

to achieve this were to call a constitutional conference or convention so that the people participating in creating an alternative constitution effectively represented identifiable political interests throughout society. He was unaware of any other way in which the crisis of legitimacy in South Africa as a whole could be resolved, but at the Transkei or Ciskei level the problem arose because moves were contemplated and in some cases decisive action actually taken without the observed consent of the majority of those concerned.

Dr Slabbert felt that the Ciskei had been in a cleft stick with the appointment of this commission (however free it was to make whatever recommendations it wished). The South African government had decided on its policy and would like to pursue its policy and use whatever powers of persuasion it had to induce the Ciskei to take its independence. So the Ciskei had been more or less confronted with a fait accompli and had to decide what it might best get out of the South African government if it was going to take its independence. This, in his view, was looking at the problem the wrong way. The Ciskei should start off from the premise that it wanted to keep its rights to the rest of South Africa as any other South Africans did. EJM noted that what Dr Slabbert had said about the South African government's view might have been overtaken by events. If one looked at the situation today, post-Wiehahn, post-Riekert, and post the various commissions and committees that had recently been announced, was it not apparent that great changes were upon us, that government patterns were evolving very fast, and that the field was now wide open for a completely fresh look at the overall problem? His view was that the commission could make its own recommendations that could possibly help the present process. Dr Slabbert said that three bodies had been appointed to go into constitutional and political questions. They were the Constitutional Commission, the Consolidation Commission and the Cabinet Committee for Urban Blacks. They could come up with contradictory recommendations. One could decide on a method of obtaining more land for the homelands, one could re-examine the possible constitutional position of the urban blacks, and the other was looking at alternative constitutions for South Africa as a whole. While he was personally excited about the possible implications of Wiehahn and Riekert, he could not see them except in the framework of what the government had already decided, which was that South Africa proper would be there for political power sharing among whites, coloureds and Indians, and the homelands, later independent homelands, policy was a fait accompli. He had seen no signs during the current session of parliament that the government was prepared to reconsider its basic position. The social and economic positions would be modified, perhaps in a major way, but they would still need to be accommodated within the older constitutional programme of evolving independent nation-states. The economic questions could not be looked at



separately from political ones. If one hypothesised an enlarged Ciskei carrying all the people the South African considered "Ciskeians", then the economic problems would be very different from those that would apply were there really to be a new political deal for urban blacks in South Africa, which would not force them to think of the Ciskei as the only place through which they could exercise political rights. Given that scenario, the Ciskei could be an acknowledged separate region with its own political set-up, and something like its existing de facto population.

The previous PFP group had been asked about the inducements that had been used to persuade the homeland leaders and people to go for separate political areas and, to the reasons they gave, Dr Slabbert added the all-important one, he said, of political patronage.

PK asked for a comment on what seemed to him the unnatural economic consequences of the "horrible socio-political mechanisms" that have suppressed the natural evolution of markets in the Ciskei (and other places). Dr Slabbert said that he thought a factor here was South Africa's strict control of urban migration compared with almost any African or third world country. This had led to the need for a higher level of rural development than obtained elsewhere, as there was generally a higher concentration of people in the rural areas in South Africa. Riekert's recommendations for allowing more family life to migrant labour were a fundamental breakthrough which ought to relieve some of the pressure. He hoped the Community Development opposition to this recommendation could be overcome.

RIR asked for views from this group on the amalgamation question. Mr Lorimer thought that there might be a much larger body of opinion in favour of amalgamation with the Transkei than was now able to make its voice heard. On the broader question of an enlarged Ciskei, his view was that if East London became black, its development progress would slow up even further.

MvdB said that if politics were put on one side, what price did the PFP think the South African government might be willing to pay in return for the Ciskei taking independence, and bearing in mind that price, what would the PFP suggest if they were in the Ciskei government's shoes? Professor Olivier said that he would not, as a Ciskeian, take independence, whatever the apparent political or economic inducements were. As long as its people were citizens of South Africa they had a claim to South Africa and what South Africa produced in terms of wealth. But after independence they would have to substitute gratuities from the South African government for their previous legitimate claims. No compensation could be adequate.

Professor Olivier went on to say that he could not but begin to have a feeling of optimism regarding the changing approach he perceived among Afrikaner South Africa, for the white-white conflict was just as much part of South Africa's inheritance as the white-black conflict. The generation

which had absorbed the mother's milk of Verwoerdian ideology was no longer the generation that was making the decisions. For more than 30 years separate development had been the ideology that had governed our whole lives. Riekert and Wiehahn seemed to be the first establishment rejections of that ideology, and it might well be that the concept of independent homelands would quickly become less popular than it had been held up to be for so long. RIR asked whether, having said this, Professor Olivier felt that the Ciskei Commission itself had been overtaken by events, and was perhaps irrelevant in that any commission appointed before Wiehahn and Riekert might find itself in a very changed environment. To this Professor Olivier replied that the commission could not, of course, be irrelevant in the sense that it had a job to do in giving guidance to the Ciskei.

Returning to the Verwoerdian concept, Professor Olivier went on to say that today's realism led people to balk at the estimated expenditure (by Benbo) of R1200 million in the admittedly limited consolidation of the homelands already proposed. MvdB referred him to Professor Lombard's address to the Afrikaanse Handelsinstituut the day before in which he had said that the calculated R2 000 million for consolidation over a period of twenty years was not the vast burden that it might at first appear. AS asked the PFP representatives to comment on the alternative of redrawing boundaries so that the new state included black and white. Mr Lorimer said that the Prime Minister had said earlier in the current session that the inclusion of land at present owned by whites in the homelands would be taken into consideration. However, the political ramifications of such a step were so enormous as to be incalculable. He would expect a furore from the white farming community involved, and he would doubt the government's ability to carry any such measures through. On the other hand there was already a precedent in the Transkei where R100 million worth of white property had not been able to be bought for ownership by the Transkei.

In response to a question by CHTL Mr Lorimer said that while his party stood for a federation (a single country with an umbrella parliament) a confederation (a number of totally independent countries meeting for economic and other advantages) could no longer be excluded because of the number of independent black states that were already coming into being. His party would welcome such states into a federation, but it might well be that those states might prefer confederation, in which case that option would have to be considered.

MvdB referred to the changes in Afrikaner thinking which had been described by Professor Olivier, and asked him whether these changes could not be channelled into the developments that the South African government was already seeing were taking place in South Africa. Professor Olivier said that he had to draw a distinction between the gradual changes starting in

the social and economic areas to something much more fundamental, and in his view unless there were fundamental changes in the structure of South African society within the next five to ten years, we would move into a Rhodesia-type situation in this country. The legitimate demands, particularly of the sophisticated urban black populations, had to be met within the time scale available, and his view that time scale was only five to ten years, as he had said. The possibility of the Ciskei taking independence or not would not change the central situation at all - unless some very different formula could be devised for the Ciskei than had so far been devised for Transkei and Bophuthatswana - that different formula essentially turning about the citizenship question. As long as it was tied to the principle of automatic deprivation of blacks living outside the Ciskei of their South African citizenship, further moves towards independence by the Ciskei and other homeland areas would actually increase the potential for conflict in South Africa. At the same time he had sympathy with the black leaders who wished to take their independence. Whatever had been said about inducements, he felt that the main reasons for the Matanzimas and Mangope wanting their independence was first to get away from discrimination practised against them by white South Africa, and secondly to get away from the overlordship of the Department of Cooperation and Development - white bureaucracy essentially. Mr Lorimer said that he would like to underline an aspect of what Professor Olivier had just said, and that was that one of the main temptations of independence - to escape domination of white South Africa - would be withdrawn or very much reduced if and when the attitudes of white South Africans towards blacks became liberalised, and MvdB said that he had to agree to that.

Finally, Olivier said that he would like to draw the commission's attention to a power that the Ciskei government had that neither they nor any of the other homelands that he knew were exercising, and this was to legislate in the fields in which it had competence for those of its citizens who were living outside the Ciskei. It had the power to amend any law of the South African parliament applicable to Ciskei citizens and it had the power to make new laws for its citizens outside the Ciskei. In his view this was a constitutional anomaly which was constitutionally unacceptable, but this did not change its existence, and he hoped that the Ciskei government, through its Legislative Assembly, would use that power to improve the position of its own citizens living outside the Ciskei.