**Chapter Thirteen**

**The Federalism Debate and The New Provinces:**

**Back to Prefectoralsim?**

**The Crux of the Matter**

**The New Federalists**

The National Party had no credibility, no historical record of support for federalism and would not have any real commitment to it until after the party’s own political needs were met. Security was the primary focus of the party in the 1980s. By 1986, however, the federalist based free market/privatization approach began to challenge some the assumptions of the security state. According to Mann (1988, p. 76),

Circles within both government and business have recently called for the stimulation of competition, and the unleashing of the forces of the market. These are seen as operating to the benefit of everyone, not merely of sectional interests, as fostering the emergence of a just, consensually based society organised around 'rational', universalistic principles of achievement, individual liberty and equal opportunity. Such are the norms of social interaction held to be demanded by a 'modern' economy.

The reorganization of the state would involve a complex combination of centralizing and decentralizing tendencies. While major decisions would continue to occur at the first-tier level, a great deal of deconcentrated fiscal authority was to be passed to second and third tier authorities and in particular to regional services (planning) councils. These reforms constituted the beginning of what the Botha administration called the politics of transformation. There was an assumption in the security establishment of the National Party in the 1980s that social engineering could occur through the use of deconcentrated experts. A technocratic rationality would "depoliticise politics by depicting it as a purely technical reaction to objective ‘reality’" (Mann 1988, p. 65). During the P.W. Botha period, even critics of the government recognized that that negotiations would have to be based on regionalism and specifically on a

 ...modified and equally non-racial version of the proposed Regional Services Councils; the lifting of the State of Emergency and the release of political prisoners; the elimination of remaining racist legislation in the form of the Group Areas, Land and Population Registration Acts -- then those government elements could create a powerful momentum among the remainder of representative black moderates for participation in negotiations concerning the design of political structures at the national level (Frankel 1988, p. 297).

The Afrikaner Broederbond (the secret organization of Afrikaner nationalists), by early 1986, had become an advocate of reform and opened up contact with the African National Congress (ANC) in New York, Lusaka, and London (Meredith 1994). By then, the Broederbond had become a reformist think tank where people could combine their talents to evaluate the issues of the day. The underground society undertook a philosophical debate, a facts debate, and a research debate over the future of South Africa in the early 1980s (De Klerk 1984). In response to these changes, the press began to portray the Broederbond as a verligte or enlightened group within the Afrikaner community. The Broederbond's views on the need for reform ultimately would lead to the creation of the negotiations forum (initially called CODESA – Convention for a Democratic South Africa) and to the beginning of the debate over the nature of the institutional state. Federalism within the National Party meant some combination of consociationalism, federalism, and incrementalism.

Incrementalism was a part of a rationalization process that would lead to the introduction of a corporatist state after the end of the whites only constitution. Incrementalism was slow, but as a senior official in the Office of Constitutional affairs put it in 1988, “The South African situation is an issue for the new generation. South Africa will not be pushed” (Interview with Stassen). Constitutionally, for the National Party, the policy of self-determination and joint determination “could only succeed between whites, Coloureds, and Indians, and with “moderate” blacks in a confederation." (De Klerk 1984, p. 26). It was this confederation concept that remained part of the rhetoric of the South African government as it approached all-party talks.

Gradualist reform from the National Party perspective would need to be "based on a system which ensures that all her disparate groups [could] live without fear of domination by any other group" (Louw & Kendall 1986, p. 129). Thus, reform should be "the break with the classic apartheid syndrome in politics, the church and community life to create a new concept of communality, making it the leitmotif against apartheid" (De Klerk 1984, p. 4). The National Party position on constitutional reform was, and for some remained, influenced by both federalism and consociational theory and by the ideas of group rights as articulated by the KwaNatal Indaba idea. Preferably it would also be a very slow process. As one observer noted, there always were so many “more accommodations to be made” (Cartwright 1996, p. 9).

The key to reform would be to decentralize authority to the greatest extent possible ensuring both constitutional federalism and entrenched group rights. A social contract/institutional choice view of negotiations suggested that, ultimately, reform would occur through social pacts by group representatives (Sisk 1995). Consociationalism met many of these concerns and allowed the reformers in the National Party to demand that there should be power sharing and a role for minorities in any non-racial government. The thesis here was that mutual pain on both sides would lead to the acceptance of some of the principles of consociationalism and from there to a negotiated settlement.

For the National Party in the last years of P.W. Botha and later under F.W. de Klerk, federation was the most favored alternative to apartheid and F.W. De Klerk pressed for federal arrangements throughout negotiations with the ANC. Despite the earlier highly centralized rule of the National Party as it imposed apartheid policy after 1948, the National Party advocated an extreme form of federalism between 1990 and 1994, including an ethnic definition of provincial authority. The end point of negotiation for the National Party was to be some form of group-based multi-racialism, a federal system, limited government, and an entrenched bill of rights.

Federalism was promoted, somewhat cynically, by the Nationalists both as a mechanism to ensure power sharing and to satisfy the need for pluralism. National Party policy on regional government during the negotiations continued to be placed within an apartheid framework. The Party did have a commitment to administrative decentralization at the intermediate and local levels. Part of the rationalization of provincial government and the civil service entailed the decentralization and depoliticization of power.

During the negotiations period, the National Party demanded that all national states (homelands) and provinces have representation in a federal level council, in a consociational (group based) manner. The top level of government, they argued, should rotate over time so that at the central level representation would be through interest groups, farmers, business, mining, language groups, as well as elected representatives. Thus, it would maybe be possible to have two political organizations share a single geographical administrative structure (Interview with Schoeman, 1990). All of these demands were linked to the core National Party concern, the fear of unbridled majority rule.

The key to reform for the National Party leadership was to decentralize authority to the greatest extent possible. A proliferation of liberals and moderates writing on federation and decentralization appeared in the 1980s, backing the evolving National Party position.[[1]](#footnote-1) Burgert Oosthuizen's (1986) thesis was that there must be some guarantee of group rights within a federation. According to Denis Beckett (1985, p. 14), the National party sought supra-regional authorities which then would select the national legislature, “[b]ut what they end up in is one single Parliament, in the composition of which every adult South African has an equal [though indirect] vote.” In the end, "[e]ven though the outcome of negotiations about a future constitution is inherently uncertain, each party to the negotiations makes decisions in terms of a particular framework" (Beckett 1985, p. 80). The government proposed the creation of a national statutory council of parliamentary and non-parliamentary legal organizations that would negotiate a new constitution. The council would include black South Africans but would still exclude banned organizations.

The National Party approach to reform after 1990 assumed, with some accuracy, that South Africa already had a quasi-federal type of government in its relationship to the homelands. From this perspective, the key to the transition was the involvement of independent entities (from the Mass Democratic Movement (MDM)), in combination with existing authorities, in the governance process. The National Party sought a high degree of autonomy for regional and local authorities, arguing, without irony, the fear of authoritarian rule (Ottaway 1993). Provincial empowerment during the negotiations became part of the bargaining position of the National Party as it identified a powerful central administration, controlled by the ANC, as a threat to both individual freedoms, property rights, and, by implication, social and economic development.

**The Long Unhappy History of Debates about Federalism**

As T.R. Davenort (1998b, p. 63) has noted, “The ghost of federalism had stalked South African political thinking since the 1850s.” Throughout South Africa’s early history, prior to 1910, "the notion of some sort of union was always afloat within South Africa at different times and in different combinations" (Mostert 1992, p. 1247). However, it was a large region with diverse interests and peoples (Massie 1997). Efforts to bring together the four territories often floundered because such efforts were often imposed from outside of South Africa (Marquad 1968). Despite this, for the better part of 100 years, politicians and academics in South Africa discussed the differences between federations, confederations, cantonal systems, and commonwealths.

 Federalism, much debated in South Africa, had its origins in the mid-nineteenth century. Sir George Grey, appointed High Commissioner in the Cape 1854, was an early proponent of the Federalist idea. Grey's goal was a South African federation that drew the Orange Free State and the Transvaal into an association with the Cape and Natal. According to Davenport (1997b, p. 125):

While he was north of the Orange, Grey canvassed support for a federal South Africa, and on 6 December [1854] obtained a favourable vote of twelve to eleven from a Free State Volksraad anxious to escape its Sotho entanglement. He had already urged Lord Derby's new Secretary of State, Bulwer Lytton, to support a federation of the Cape, Natal and the Orange Free State, embracing Kaffraria and perhaps other territories, under a governor appointed by the Queen, and with a responsible federal legislature elected by the people of the various states in proportion to their financial contributions, on the lines of his New Zealand constitution of 1852.

The Ministry of British Prime Minister, William Gladstone, in 1869, urged "the extension of full responsible government to the [Cape] Colony, incorporating at least Natal, Basutoland (annexed by Wodehouse on behalf of the Imperial Government in 1868), Griqualand West (annexed by Sir Henry Barkly in 1871), and the Boer republics as well" (Davenport 1997b, p. 78). In 1872, Sir Henry Barkly appointed a federation commission that heard a great deal of evidence in favor of dividing the Cape into three provinces. What would become the midlands could act as a counterweight to the rival pulls of east and west.

Just at this time, however, when the Colony was in the throes of accepting responsible government, the legislative subdivision of the Cape was found unacceptable. The result was a compromise in 1874. The Cape Parliament passed "a Seven Circles Act, which set up seven electoral provinces as constituencies for the upper house, including a midland province, and thus removed the structural reason for suspicion between east and west" (Davenport 1997b pp. 79-80). The Cape political leadership, which opposed federalism, saw federation "as involving the unmerited disenfranchisement of the whole of the Coloured races, Kafirs, Hottentots, emancipated Negroes" (Sir Henry Barkly, quoted in Mostert 1992, p. 1247).

Lord Carnarvon, then Secretary of State for the Colonies, sought to impose some sort of federation on Southern Africa in 1874. In 1875, he proposed that a conference be held in South Africa to consider the federal option. Federalism was advocated again in 1877 by Sir Bartle Frere, as governor and high commissioner, and by Theophilus Shepstone. Secretary for Native Affairs in Natal. J.A. Frounde, a noted historian of the time, was sent to South Africa to investigate, but was said to have behaved tactlessly toward the Cape Authorities by proposing the separation of the Eastern and Western Cape under the federal system. As a result, the South African governments refused to participate and the conference was held in London without the representatives from the Cape, the Orange River Colony, and the Transvaal. The meddling of historian Frounde in the federation debate symbolized, for many South Africans, the ineffectiveness of many a visiting academic dabbling in South African politics (Wheatcroft 1993).

Federalism, by the end of the century, pointed toward the creation of the Union of South Africa in 1910 (with federal tendencies) that was imposed by force as a result of the Anglo-Boer War. It was the great imperialist Cecil Rhodes who proposed a federal union of the four South African territories with the two Rhodesias and eventually South West Africa and the Portuguese territories (Kruger 1959). The idea was raised again by Lord Milner after the Anglo-Boer War. He proposed that responsible government be restored in the region on the basis of a federation. By then, the British Colonial Office assumed that South Africa would take on an English character and be dominated by the English-speaking community.

Fear of Boer domination by one or more provincial governments after federation fueled the decision by Cape elites and the British colonial office to opt for a unitary rather than a federal state in the run up to 1910. "The cure," for Boer political influence, "was to merge Natal with Cape Colony and the other South African states (the former republics) from which a more humane native policy could be expected" (Pakenham 1991, p. 650). The plan backfired, however, since English immigration never caught up with the Afrikaans-speaking population and over time South African politics came to be dominated by Afrikaners.

The new constitution put into place in 1910 created the Union of South Africa as a unitary state, however, not a federation. But it had some federalist tendencies. After Union in 1910, a series of provincial ordinances created segregated provincial and local authorities and defined the scope of their legal jurisdiction. Unlike Canada, to which South Africa was often compared at this time, the demographics dividing the white community never worked out.

Until 1948, the Union of South Africa operated as a weak quasi-federal system with the four white provinces retaining significant devolved authority. The lack of safeguards, however, for even segregated political autonomy at the provincial level, led to the whittling away of provincial authority even before 1948, a process that accelerated after the Nationalists came to power (Cameron 1988). Within the provinces, during the apartheid period, a functional system of deconcentration developed in the white areas of South Africa with variations on the prefectoral model of deconcentration existing in the homelands (Jeppe & Van Baalen 1995).

After the National Party came to power, they centralized greater authority at the national level, but otherwise did little to change the country structurally outside of the homelands. It was not until the regime of P.W. Botha that the status of the white provinces changed with the introduction of the Tricameral Presidential system in the mid-1980s. The Botha administration’s rationalization process after 1979 focused early on the depoliticizing of provincial political authority and reconstructing provinces as prefectoral entities, at least in part because one province, Natal, had never come under National Party electoral control. Rationalizing regional authority through the removal of white elected political councils[[2]](#footnote-2) was designed to place provinces under the control of civil servants dominated by the National Party (Wilkins 1980b).

The Provincial Government Acts of 1985 and 1986 modified white provincial government in South Africa. President P.W. Botha abolished the political function of the white provinces in 1986 by scrapping the white elected provincial councils and with it the political function of provinces. At almost the same time, the National Party’s Minister of Constitutional Development and Planning claimed that 145,000 new jobs had been created at the provincial level through its decentralization program since 1982 (“145,000 Jobs” 1988). At the provincial level, each department, headed by an executive committee member, managed its own affairs on the functional model, but territorial control was vested in the prefectoral “Administrator.”

Policy documents justified the need for a deconcentrated prefectoral authority in the post-1984 provincial administration as part of Botha's “total strategy.” The administrator in each of South Africa's four provinces had long functioned in classical prefectoral style. The administrator and the executive committee all served as regional representatives of central government, recreating the prefectoral system at the intermediate level in white South Africa. At the same time, the legislation provided, in theory, for joint executive bodies between provinces and homelands (Kapp 1989). This was only activated after 1990, during the transition negotiations. The deconcentrated authority of the provincial administration, with the executive committee system of administration created by Botha, was transferred after 1984 over to the political authority of the provincial premier and his Executive Council.

The National Party government argued that the devolution of restricted legislative and administrative power to the homelands would provide Africans with political experience. The homelands, in retrospect, did contribute to this experience, though the results may not have been entirely positive (Southall 1992). In the Transkei, there was a greater degree of indigenization within the civil service than anywhere else in South Africa. Transkei administrators formed the nucleus of the provincial government in the Eastern Cape after non-racial elections in 1994 Unfortunately, the Eastern Cape (and the other new provinces formed from homelands) became most identified with wide spread patterns of patronage and corruption.

**Liberalism as Cultural Protection**

**and the Appeal of Federalism**

By the mid-1970s, the debate over federalism, for some, became linked to, and to some extent tainted by, the homeland federal experiment and “independence,” with prospects for a future confederational relationship dangled before those homeland leaders who opted for eventual independence. At this time, a number of homeland leaders became interested in federalism. Kotze's thesis was that homeland leaders, by accepting the concept of separate homeland governments, ultimately encouraged political fragmentation that could only be redressed through a federal South Africa. He argued in 1975:

The spheres of interest and ethnic pride respectively created and generated by homeland governments promote political fragmentation and make virtually impossible a future unitary form of government. It is interesting that while accepting the fragmentation implied by homeland governments, the homeland leaders at the same time propagate unity for the future in the form of a federation (Kotze 1975, p. 246).

Federalism was touted by its advocates as a mechanism to ensure power sharing and satisfy the need for pluralism. The Homelands leaders and the National Party were not alone in their advocacy of a federal South Africa. One stream of liberalism within the United Party advocated federalism, a position that would later be taken up by the Progressive Federal Party and later by the Democratic Party. Federalism would allow for "redrawing the internal boundaries and altering the political structure of the RSA itself, and then federating with other independent regions" (Marquard 1971, p. 66). To its critics, however, partition and federation were two halves of the same coin:

The only way to meet such opposition [to federalism] is in the first place to show why apartheid is not the economic and cultural protection that its adherents believe it to be, and, in the second place, to examine how federation could in fact promote the security and prosperity now vainly sought behind the walls of racial separation (Marquard 1971, p. 104).

During the negotiations, the Democratic Party, the right-wing Freedom Alliance, and many of the homeland regimes negotiating at the Kempton Park Convention Center near Johannesburg all advocated federalism. It was Helen Suzman's advocacy of federalism that led her to support many of the homeland leaders, including Chief Mangosuthu Buthelezi (Massie 1997). Suzman, the longtime critic of the National Party, spoke for many white liberals when she said in an interview with Picard in 1990, "I don't like bureaucracy and centralized systems. I believe in federalism." Therefore, on the federalism issue, the National Party had significant support from the primary white opposition, the Democratic Party.

A number of liberal NGOs also supported Federalism. The role of the largely business dominated non-governmental sector was important in the reform process and in articulating the debate on regionalism and pluralism. In order to achieve its goals, for example, the Urban Foundation focused “mainly on effecting changes in state policy and eroding the political bureaucratic impediments which prevent the implementation of 'structural reform'" (Hendler 1985, pp. 36-37). The liberal views on intergovernmental relations reveal the potential role that liberal thought might have had on the transition process in South Africa.

The strength of the liberal perspective for some is that promoting a liberal agenda is similar to a natural scientist: uncomfortable facts are not put aside. Rather the theory is put aside, or at any rate is seen as very partial, capable of dealing with only a narrow base of reality. For some liberals that ambiguity is a strength that overrides all else (Driver 1991). In the 1990-1994 negotiations, one liberal leader, Colin Eglin played an important back stage role in mediating between the National Party and the ANC and in crafting a liberal interim and final constitution that included a non-racial federal component (Van zyl Slabbert 2006b). Unfortunately, the influence of liberal thought had by 1990 become weakened by their long acquiescence to apartheid assumptions.

After the white provinces lost their political functions and became spatially based extensions of local governments, homelands had authority over a much wider range of functions than the white provinces. Early National Party predictions were that an eventual political transition would occur without the dismantling of apartheid institutions. The National Party leadership, however, hedged its bets. Assuming that homeland leaders and administrators were loyal to the National Party (an erroneous assumption), the leadership concluded that any transitional government would have to save money in the short run by using South Africa's parallel bureaucracies for each race group and mini-ministries for the ten homelands.

This transitional use of the homelands after majority rule, for the National Party, would allow for the evolution to a devolved federal relationship that could include some elements of the homeland system. After they finally abandoned the homelands in the negotiations process (1993), the National Party would look to geographical federalism and the devolution of power to check the authority of a new non-racial government since federalism, it was hoped, would ultimately involve a decentralized civil service.

Homeland institutions, bureaucratic and political, influenced the course of negotiations and the nature of the political system that came into place after the negotiations were completed. With redrawn, contiguous boundaries, the organizational apparatus of the homelands was integrated into a regional government system that carried elements of federal-style authority, but little of the substance of devolution. Nor were the buildings lost. Throughout rural South Africa, provincial and local governments are still located in grandiose buildings that had once held Bantustan governments (Bell 2000).

Between 1990 and 1994, there was a great deal of outrageous and unrealistic debate about federalism, among experts on both sides who misunderstood the concept. ANC supporters, including its intellectual leadership, were very late to recognize the possibility that federal components might be built into the constitutional formula. The National Party leadership never understood its limits. Debates about Federalism, and most importantly a misunderstanding of the concept, impacted the negotiations process. It is to this issue that we now turn.

**Apartheid and the Federal Option**

National Party policy on regional government between 1990 and 1994 continued to be placed within an apartheid framework. The Party, after 1990, did have a commitment to greater administrative decentralization at the intermediate and local levels. Part of the rationalization of provincial government and the civil service entailed the decentralization and depoliticization of power much along the lines that would later be adopted by the ANC. As we have noted, the National Party, as it approached negotiations, had no credibility, no historical record of support for federalism, and would not have any real commitment to it until after the party’s own political agenda had been met.

 Federalism was promoted, somewhat cynically, by the Nationalists as a mechanism to ensure power sharing, to satisfy the need for pluralism, and, as some wags suggested, so that other political groups would not do to the Afrikaners what they had done to opposition groups under apartheid. One characteristic of the National Party approach to governance in the early 1990s was an absence of any moral discourse on the history of apartheid. Power sharing, based loosely on the ideas of Arend Lijphart and his concept of consociationalism, became "the basis for an Afrikaner fantasy to stay in power" (Ottaway 1993, p. 259). The only problem with apartheid, according to some consociationalists, was that the policy forced the individual to accept an ethnic or racial identity. In the past, the National Party government had used coercion to force all groups into legal categories. Now, if identification according to race were voluntary, consociationalism would work. A voluntary approach to ethnic identification, belatedly adapted by the National Party would, according to its advocates, avoid accusations of coercion.

Despite this lack of credibility for the National Party in the last years of P.W. Botha and later under F.W. de Klerk, federation gradually became the most favored alternative to apartheid for National Party reformers and De Klerk pressed for federal arrangements throughout the negotiations with the ANC. Even though the National Party used highly centralized rule as it imposed apartheid policy after 1948, between 1990 and 1994 the National Party came to advocate an extreme form of grass roots federalism including an ethnic definition of provincial authority. As we have noted above, during the first two years of the negotiations period, the National Party would demand that all national states and provinces have representation in a federal level council, in a consociational (or group based) manner.

Despite the National Party's continuing commitment to cultural pluralism, the first tentative steps towards provincial restructuring came in the last two years of its rule and was announced by executive fiat. On September 15 1992, the National Party government announced with great fanfare that the administrative structures of the “own affairs” departments and those of the six "self-governing" states would gradually be dismantled and merged into a single regionally based system. The existing four provinces would be the basis of rationalization.

A second development occurred when then President F.W. de Klerk, in his opening speech to Parliament on January 29, 1993, announced the end of the "own affairs" system. In February 1993, government promised tighter financial controls in the wake of the scandals revealed the year before (“Tighter Checks” 1993). Bureaucratically, however, according to the De Klerk government, "The current administration [in the homelands] should be retained [until] orderly rationalization takes place" (McLennan 1993, p. 7). In reality, little else was possible. Provincial political and administrative forums to facilitate integration of the homelands into the provincial system were established only in late 1993.

 At that time the four "independent" homelands were left out: Transkei, Ciskei, Bophuthatswana, and Venda. The first areas to be integrated at the provincial level, involving the six homelands that were “self-governing” but not independent, included agriculture, health and then later education. The government created a transitional Education Department that amalgamated, at least on paper, homeland administrations with provincial/regional affairs. Homeland political structures would not be scrapped until there was a political settlement. Even then, they would remain as administrative entities.

The constitutional debate over regional government revolved around the mix of devolved, deconcentrated, and delegated powers that regional authority would have and the extent to which devolved powers should be written into the constitution and protected from Parliament. The two sides differed on this question. The ANC saw regional authority as delegated by Parliament, but the National Party sought constitutionally entrenched regional authority.

**Federalism and the Homelands**

**The Early Years to 1980**

For most of the apartheid era, just as there was a continuity of racial attitudes and bureaucratic structures that transcended the 1948 assumption of power by the Nationalists, there also was continuity in African political responses as to what many considered domestic colonialism. In South Africa, the social movements fundamentally reshaped the nature of black South African debate about the homelands in the run up to the elections. The reserve system, and the homelands that followed them, were never considered legitimate by most African political leaders. By the 1980s, however, some homelands began to enter the negotiations process as the homeland leadership chose sides at the bargaining table.

 Throughout the twentieth century, in response to segregation and apartheid, there were continued patterns of rural as well as urban resistance to the bureaucratic rule in what became the South African homelands after the mid-1950s. There were rural rebellions in the 1940s and 1950s in Witsieshoek, Zoutspanberg, Sekhukhuniland, Marico, Natal, and Pondoland. Major resistance occurred in the Tswana areas when the women of the Hurutshe refused to register for their passes in 1956 (Lye & Murray 1980). The ANC was never able to take advantage of discontent in the rural areas, however, since the ANC was organizationally weak outside the country’s urban areas. This pattern of resistance continued, albeit at a lower level, after the ANC went into exile.

In 1966, some African leaders are said to have suggested that if homelands were given enough land and if there was movement towards a commonwealth of South African states, that some form of partition might be an acceptable form of political reform. African views on the homelands had not been solidified by this point and it is fair to say that ANC thinking with regard to the homelands has not been consistent over time (Drury 1968).

The ANC leaders in exile rejected the partition of the country. However, there were no deep ideological or economic differences between homeland elites, black consciousness leaders, and the dominant African leadership of the ANC (Kotze 1975).[[3]](#footnote-3) Nor did this mean that the ANC and the PAC (Pan Africanist Congress) had no interest in homeland politics or the socio-economic dynamics of the ten geographical enclaves. The creation of homelands was resisted by African Nationalist forces in large part because they could not see any way that the homelands could be used as footsteps to power. That said, the ANC was never entirely consistent in its views on homelands and ANC in particular took a deep interest in homeland politics throughout their period in exile.

In the early 1970s, as we have seen, several homeland leaders became interested in federalism, which they called confederation, and approached the ANC for support. Using a rhetoric of consociationalism, "Buthelezi and Matanzima...proposed a federation of their territories that could serve as the nucleus for a political association of all of the homelands... joining the Transkei and KwaZulu, and thus 37 percent of the total de jure population of South Africa” (Butler et al. 1977, p. 86). At the end of 1971, Mangosuthu Buthelezi, Lucas Mangope, and Kaiser Matanzima visited London and met with exiled leaders of the ANC and the PAC to discuss tactics needed to challenge the apartheid government. Some in the ANC were sympathetic to Buthelezi and the Inkatha movement on the federalism issue.

The confederation idea further developed in 1972, when after a visit to the United States, Chief Matanzima proposed a federation of all homelands under a single government. Matanzima also called for the creation of a single state of Xhosaland, incorporating large tracts of white land in the so-called border area claimed by the Transkei and Ciskei (Legum 1973). In this vision of a greater Xhosaland, there was strong, if tacit, agreement between the ANC and the homeland administrations of both Matanzima and Holomisa. This finally came into being with the creation of the Eastern Cape Province as part of the negotiated agreement.

At an early 1970s summit meeting, six homeland leaders, including Matanzima and Buthelezi, issued a statement rejecting both the homeland system and, in particular, independence. They pledged to use their offices to oppose apartheid (Barber 1999). Initially, all homeland leaders had opposed independence and called for provincial status for homelands. For example, in the Transkei:

A plea for provincial status for the African homelands within the South African union was made by [Victor] Poto and his successor, [L. D.] Guzana, in January 1966, about two years after the DP[[4]](#footnote-4) was established. They [critics of homeland independence] believed that it would be impossible for the homelands to satisfy the people living within them economically, socially, industrially, education­ally and politically, and regarded ethnic consciousness as altogether irreconcilable with the growing interdependence of the races and nations of the modern world. Homeland governments should therefore attend to local affairs only (Kotze 1975).

The ANC initially encouraged Buthelezi and Inkatha because they saw Inkatha as providing a short cut to winning rural support in Natal.As an example of this sympathy, in the late 1970s, one prominent commentator from the left would note that the faction represented by Buthelezi had, in terms of its origins, established a credibility and was independent from the central state.

For years Buthelezi was spared the scorn usually heaped on homeland leaders by the ANC in exile, "which saw him [Buthelezi] as a homeland leader of a special type" (Ellis & Sechaba 1992, p. 113). At least partly as a result, his power grew in Natal and nationally throughout the 1970s and 1980s. ANC critics ascribed Buthelezi's success in the rural areas of Natal in part to the ANC's distaste for mobilizing support in the rural South Africa.

The division between homeland politicians and the ANC was not always clear or deep. Down to 1980, Chief Mangosuthu Buthelezi was considered by many activists both as a Nationalist (with the support of the ANC) and a homeland leader. After 1980, Buthelezi, like the other homeland leaders, was seen as a puppet of the apartheid regime who nonetheless came to play a major role in the negotiating process. Nonetheless, relations between individual political leaders in the homeland and the ANC were often cordial.

But, it was on the question of “independence” that lines hardened. For much of the 1970s, there was agreement among all of the homeland leaders not to accept independence for the homelands and put political pressure on the South African regime to reform society as a whole. However, Matanzima's unconditional acceptance of independence in 1974 lessened the influence of homeland political leaders both within the homelands and internationally and divided the homeland leadership into two camps on the independence issue (Stultz 1980). Homeland leaders opposed to independence called for provincial status for homelands.

For many homeland leaders in the 1970s, federation was the most favored alternative to apartheid. Support for federation provided a fig leaf of credibility for homeland leaders during this period. In terms of federalism, there was a natural affinity between the homeland leadership and the white opposition Progressive Federal Party. A federal system would allow the "redrawing the internal boundaries and altering the political structure of the Republic of South Africa (RSA) itself, and then federating with other independent regions" (Marquard 1971, p. 66).

Partition and federation were two halves of the same coin. The federation movement was both a blessing and a curse as the various parties approached the debate about intermediate government. For those in the ANC opposed to federalism, "The only way to meet such opposition is in the first place to show why apartheid is not the economic and cultural protection that its adherents believe it to be, and, in the second place, to examine how federation could in fact promote the security and prosperity now vainly sought behind the walls of racial separation" (Marquard 1971, p. 104).

**Conflict in the 1980s**

By the late 1970s, both African Nationalists and homeland leaders had rejected the structures and assumptions of the homelands in their then current shape. The creation of Inkatha and the establishment of the KwaZulu homeland in 1977 presaged the future clash between an ANC defined unitary, socialist (or mixed economy) state world view and the Inkatha federal, corporatist capitalist model of political development. Inkatha and the ANC formally split in 1980. The ANC and UDF (United Democratic Front) were particularly hostile to Inkatha during the decade of the 1980s in large part because of its economic conservatism and in part because of its grassroots support.

The KwaZulu-Natal consociational model (providing for a racial and ethnic based second house), proposed by Inkatha in negotiations within Natal in 1982 could have provided, for many, an example for a national level negotiated solution in South Africa. However, to skeptics of the KwaZulu-Natal model, a coalition of business and homeland elite interests would benefit from a cooperative arrangement within the province providing both sides access to patronage, crony capitalism, and government contracts.

The growing tension between the ANC and the Transkei marked the beginning of a more confrontational relationship between the homelands and the ANC. It also quickly became clear that the leadership of the ANC (many of whom were Xhosa) felt particularly aggrieved by the leadership role played by the Transkei in the promotion of homeland independence. From the beginning of the 1980s, the real opposition in the Transkei internal politics was the ANC. As early as 1981, Streek and Wicksteed (1981, p. 350) identified the ANC "as the paramount opposition force [in the Xhosa homeland]… [The ANC in the Transkei] was buttressed by the exile in Lusaka and alignment with the ANC of the powerful Chief Sabata Dalindyebo of Thembuland." In the Transkei, rumors abounded that ANC dissidents planned to depose President Matazima, possibly by military coup, and install Chief Sabata as new President of the Transkei. Plotters were most often identified with the ANC.

Homeland politics were defined from the beginning as ethnic in that the South African government stimulated sub-ethnic conflict in the territory and "bequeathed to the first independent Bantustan, the Transkei, a considerable repressive apparatus... to control it" (Johnson 1977, p. 186). Both politicians and observers were aware throughout the 1980s that in a free election the ANC would have pulled significant votes in Transkei, and most likely a majority. The exiled Transkei opposition had aligned themselves with the ANC. Much of the leadership of the ANC was Xhosa of course, but support for the ANC was also due in part to the continuing restlessness of the Sotho-speaking minority in the northern Transkei and the resentment of East Pondos at what they perceived as "Tembu-Matanzima" domination of Transkei.

The ANC never broke off contact with the homelands, particularly the Transkei and the Ciskei. Many in the ANC leadership had their origins in the rural areas, particularly in the Xhosa-speaking homeland of the Transkei. Political links in the Transkei were particularly fluid. There was discussion within the ANC over whether the organization should boycott homeland elections, especially in the Transkei. However, Mandela had initially opposed the boycott from prison arguing the movement should support an anti-apartheid party led by Victor Poto which competed in Transkei elections (Sampson 1999).

Mandela always kept in touch with the politics of the Transkei traditional leadership, even during his 27 years in prison (Ellis & Sechaba 1992). This included the pro-ANC Chief Sabata and also his uncle and former mentor, President Matanzima. Mandela was active in the negotiations with the Transkei homeland leadership to arrange for the return of Sabata's body to the Transkei in 1989. When he was released from prison he built a home and established a presence in the former homeland.

ANC activities in the Transvaal and the Eastern Cape remained hostile to the homeland system before 1987. The goal was the collapse of the homeland structures and the creation of areas of liberation within the homeland system (“No One Wanted” 1990). After 1987, the situation became more complicated. In 1987, a pro-ANC military leader, Bantu Holomisa, overthrew the Transkei government and installed himself as Chairman of the state military council.

After the military took over government in the Transkei (and the Ciskei) in 1989, the new regime militarized the prefectoral administration, appointing military commissioners to control district administration. Holomisa quickly identified with the ANC, deepened his ties with the leadership, and allowed the organization sanctuary in the territory. These links were strengthened by the 1990 sanctuary of Chris Hani in the Transkei. At the same time, the Transkei became ambiguous about reincorporation prior to 1994.

The ANC opposed Bophuthatswana for both ideological reasons and because of the territory’s potential military threat to the ANC presence in Botswana. In Bophuthatswana, by the mid-1980s, the ANC guerrilla campaign began to impact upon the Mangope regime operating out of Botswana. In one early episode in September 1981 reported internationally, "guerrillas attacked the Mabopane police station, 40 km north of Pretoria, killing two policemen and a civilian and wounding a child. They used hand grenades and AK 47 rifles" (“Bophuthatswana: Trouble” 1982, p. B797). By the late-1980s, questions began to be raised about the future of Bophuthatswana. Even a homeland government commission implicitly raised questions about the legitimacy and legality of the homeland government as it discussed fundamental issues on the nature of the state within the homeland context (Weichers 1981).

The abortive military coup, which briefly overthrew President Mangope in 1987 but was put down by the South African military, and riots that occurred in early March 1990 (supported by the ANC), both challenged the government in Bophuthatswana and the homeland system. These events marked a turning point in the image of the Mangope regime and represented the beginning of patterns of destabilization that would come to a climax after 1990. Mangope's antagonism towards the ANC led him to spurn reincorporation with South Africa between 1990 and 1994, leading to a violent confrontation just prior to the 1994 elections.

In reality, after 1987, the MDM did not challenge all Bantustan authorities, only those that opposed the ANC or the UDF. According to one ANC supporter, "the people"- were not being persecuted in Transkei or Venda (then under pro-ANC military regimes), which was why these homelands were not criticized. And for this reason, the ANC would not attack them (Suttner 1992, p. 12). By the late 1980s, the ANC had sought to partner with those homelands that were willing to break with the South African government and ally with the ANC and campaign for a non-racial South Africa. (African National Congress 1991; Johns & Hunt Davis 1991b).

**Transition in the Homelands**

A number of strange alliances developed in South Africa between homeland bureaucracies and the liberation forces. Even homeland leaders with ties to the ANC were reluctant to give up homeland political structures. Among others, General Holomisa, despite his ties with the ANC, predicted that the homelands as geographical units would survive. In a sense, he was right. The public administrations of the future provinces would consist of proven (and often unproven) administrators from these areas.[[5]](#footnote-5) Holomisa’s position on homelands’ autonomy was important because he had developed such strong linkages with the ANC and MK under the leadership of Chris Hani.

The ANC had much support within the Transkei civil service in the early 1990s. Sympathetic homeland leaders quickly found a home in the MDM and the ANC after 1990. This loyalty would later be reflected in Holomisa’s political strength in the Eastern Cape both during his time in the ANC and after he broke with the ANC, since many chiefs, particularly in the Transkei, later allied themselves with Bantu Holomisa's United Democratic Movement[[6]](#footnote-6) (Carter 1999).

As homeland leaders began to ally themselves to the ANC after 1990, homelands became much less odious to the ANC leadership. With regard to Transkei's "independence," strategy rather than ideology was at work. ANC political leaders, including Nelson Mandela, appeared publicly in the Transkei. The ANC's negotiating stance, as we have noted, was complicated by the fact that the independence of two of the territories, Venda and the Transkei, was useful to the ANC. The leaders of Venda and Transkei were allies of the ANC but were not interested in immediate incorporation. As a result, the ANC did not overtly oppose the leadership in these two homelands. If a settlement could not be negotiated between the ANC and the government, the Transkei and Venda could serve as a useful base for renewal of the armed struggle. In the meantime, it could be treated as "liberated territory" (Interview with Holomisa, 1990).

As we have seen, negotiations often forced the homelands to take paradoxical positions. The Transkei had initially called for a referendum on reincorporation but scrapped the demand in April of 1990. The Ciskei had originally supported the Transkei's demand for incorporation, but by April 1990 they began to argue that a test of electoral will in all homelands was necessary (Humphries & Shubane 1993). During the 1990-1993 period, homeland leaders, including those allied with the ANC, often opposed incorporation perhaps fearing the loss of patronage (Humphries & Rapoo 1993).

Transkei homeland leaders and the ANC both also quietly articulated the idea of a greater Transkei, absorbing the Ciskei and all adjacent territory. What is not clear is why the ANC supported the Transkei in this area when to do so raised the issue of ethnic solidarity amid the criticism that the ANC was Xhosa dominated. Even in their proposal to create twenty regions that divided the Zulu speaking areas into three parts and Tswana areas into three parts, there was provision for a single "Border/Kei region," the core of what was to become the Eastern Province.[[7]](#footnote-7) The ANC appeared to have an almost pathological commitment to a single Xhosa-dominated region. Critics of the ANC pointed to strong signs of ethnic affinity in their stance with regard to regionalism.

The move towards negotiations forced all of the parties in the negotiations to take odd positions with regard to the homelands. The Transkei, though committed to reincorporation, insisted upon its right to retain its "independent" status as long as the current regime held power (Keller 1993). The ANC, between 1990 and 1994, supported the Transkei position thus implicitly supporting its “independence” (Humpries & Shubane 1993, p. 2). The leadership of Transkei, Bophuthatswana, Venda, and Ciskei (TBVC) states, and the Transkei in particular, implemented a covert exercise in federalism under National Party rule. This federalism was openly articulated, regardless of an ideological orientation towards the ANC, between 1990 and 1994.

Given the segregated nature of intermediate government, it was clear that the structure and composition of the homelands, as well as the white provinces, would have an impact upon new regional authorities after 1994. Of particular importance was the fact that the homelands had a far greater number of blacks in senior civil service positions than existed anywhere else in the country and would be incorporated in the new provinces in 1994, to the detriment of the institutional development of the post-apartheid state. During this period, incorporation had often been opposed by homeland leaders including those allied with the ANC (Humphries & Rapo 1993).

After February 2, 1990, there was an increasing interest and "concern about the structures of public administration, and hence the interest of civil servants" in the homelands (Shubane & Humphries 1990, p. 30). In 1993, discussions of restructuring of the public service led to the threat of mass action in Ciskei and several other homelands (Hadland 1994b). In the Transkei, the military council in 1993 took a 20 percent increase in salaries only days before the election (Arenstein 1997). The homeland civil services were one of the more dubious legacies of the apartheid system.

ANC representatives assured homeland civil servants that they had a role in a future South Africa (Picard, Research Diary, 1990).[[8]](#footnote-8) Between 1990 and 1994, securing civil service positions in the homelands for returning ANC exiles functioned as a de facto justification for the homelands’ continued existence (Adam & Moodley 1986). This was part of the strange alliance that had developed in the Transkei between General Bantu Holomisa (who had overthrown the civilian government in 1987) and the ANC political and military leadership.

Tactical alliances by several of the homeland leaders (Transkei, KaNgwane, and Venda, for example) initially were used to oppose radical restructuring and premature integration of the homelands into the provincial structures before 1994. In part because of the sensitivity of the issue, four of the largest ethnic groups in the country, Xhosa speakers, Zulu speakers, Tswana speakers, and Sotho speakers, would gain their "own" provinces in Eastern Cape, KwaZulu-Natal, Northwest Province, and the Free State, respectively.

In the Ciskei, a military coup in 1988 had overthrown "President for Life" Lennox Sebe, bringing to power one Brigadier Oupa Gxozo, well known in South Africa for his oversized military cap. After flirting with the ANC in early 1990, the Brigadier went on to support the right- wing opposition to elections, joining with Mangope, Buthelezi, and the white right in a coalition, the Freedom Alliance. Critics of the ANC pointed to strong signs of ethnic and ideological affinity in their stance with regard to regionalism. While they embraced Holomisa, the ANC delegation, according to one report, initially went out of its way to humiliate the Ciskei representatives at the negotiating forum CODESA (Humpries & Shubane 1993).

In the Ciskei, most of the territory’s 30,000 civil servants opposed the Ciskei's military regime and there is little question that many supported the ANC. Civil servants in several of the homelands feared that their careers, pensions, and other fringe benefits were endangered and that reintegration into South Africa would be to their long-term advantage. The fears of civil servants, that they would lose their privileges, led to the collapse of the military government in the Ciskei.

Bisho, the capital of the Ciskei, became the center of massive demonstrations by homeland civil servants in late 1992 and triggered the final ANC challenge to a sitting homeland regime. In August 1992, in a conflict with the ANC, labeled the Bisho massacre, Ciskei troops opened fire on unarmed ANC demonstrators. This was one of the singular moments which led to the final negotiations on the transition to a non-racial state. In late 1993, the Ciskei faced a series of crippling civil service strikes (Meredith 1998). Sensing overwhelming support for the ANC in the Ciskei, Gxozo withdrew his opposition to reintegration and stepped down. The Ciskei voted overwhelmingly for the ANC in the 1994 non-racial elections.

The reality was that the Ciskei had never become isolated from the Eastern Cape population in the way that the Transkei had. Its population was urban and peri-urban and economically integrated into the Eastern Cape region. There was little agricultural activity in the homeland. People commuted and/or migrated to and from the major urban areas of East London, Grahamstown, and Port Elizabeth. Reintegration of the Ciskei into South Africa went much more smoothly than was the case with the Transkei and the other more rural homelands.

Many former homeland administrators initially saw the ANC as prejudiced against them. There was some evidence of early attempts to hire pro-ANC bureaucrats in territories under ANC influence, however. Regardless of alliances, the Transkei and other homeland administrators feared that their interests would not be catered for by the ANC, let alone the National Party government since both had a strong urban focus. There was a wish to protect the vested bureaucratic interests built up over the years in the homeland system (Humphries & Shubane 1992). In the period before the transition, there was considerable unrest in almost all of the South African homelands.

By 1993, the homelands were at different stages of political and administrative disintegration and filled with "bloated, overpaid and ineffective" bureaucracies (Interview with Kaplan, 1984).In the Transkei (which was recognized by one country, South Africa), the Foreign Service consisted of 400 people. However, after 1994, as the stigma of apartheid wore off, the homeland bureaucrats looked for support from the ANC, as the homeland administrations were rationalized and integrated into post-apartheid regional structures. South African pluralism and divisions within the ANC brought the civil service issue to the foreground more quickly than otherwise would have been the case.

 It was homeland civil service strikes that unseated the Boputhatswana Government and destabilized a number of other homeland regimes in 1993 and 1994. In March of 1994, the Bophuthatswana civil service, backed by students from the University, began a strike where they demanded free elections in the territory. Bophuthatswana was, in the end, a "fictitious country created by the social engineers of apartheid."[[9]](#footnote-9) There were further clashes between the transitional administrators and civil servants in Bophuthatswana on April 14, 1994 over payments to the bureaucracy. As a result of civil service conflict, Lebowa and Ciskei collapsed just before the 1994 elections and administrators were appointed (De Klerk 1999).

As the ANC moved toward elections in 1994, it established links with several black homeland parties in an attempt to garner black votes (Trench 1994). Many homeland leaders aligned with the ANC in national and local government elections, much to the chagrin of many long-term ANC cadres, formerly in exile, who resented their influence. Significant numbers of homeland leaders appeared on the election ballots of all political parties in national and local elections in 1994, 1995-96, 1999, 2000, and 2006. By 1994, however, the National Party lost almost all homeland support either to the ANC or the right-wing conservative alliance. With the formation of the conservative group, COSAG (Concerned South Africa Group) in the early 1990s, only Gazankulu remained in an alliance with the National Party.

During the apartheid period, despite the claims of the ANC, the homeland leaders were not puppets. Between 1990 and 1994, it was clear that some of the homeland leaders would survive as regional or national political leaders, many as members of the ANC. Much of the civil service structures in the homelands survived and were transferred to new regional authorities. Homeland leaders represented a set of domestic social and economic interests. The bureaucracy in the homelands was part of a growing, black middle-class elite. Newell Stultz (1980) was correct when he argued that once apartheid had been dissolved, Transkeians (and other South Africans) would renounce their previous political allegiances in order to join with new political groupings of a post-apartheid state. This political allegiance, in many cases, would be with the ANC.

**Organizing the Provinces**

**The Negotiations Forum**

To what extent was interaction with homeland politicians a step in the process toward non-racial government and majority rule? From this perspective, after the creation of the Bantustans,

...homeland leaders [were] behaving in ways new for Africans since the proscribing of the African National Congress [ANC] and the Pan-Africanist Congress [PAC] in 1960. White [National Party] politicians [took] part publicly in discussions with black leaders, and (received) some candid public criticism, especially from Buthelezi, but also from Mangope (Butler et al. 1997, p. 224).

There was, according to Newell Stultz (1980), a reduction of political tension through attempts at power sharing in the homelands that was part of an incremental process toward a multiracial political culture. In his controversial book, Stultz suggested that the homeland system provided for the political incorporation of black elites, who were at that time excluded from power, and of the oppressed populations in the homelands into white South Africa. Inclusion, according to Stultz, would occur in ways that were expected by its advocates to lower political tensions to manageable levels by a reasonable democratic government, while not seriously jeopardizing the material or cultural interests of the dominant white group. To Stultz, who was proved to be right as the negotiations process played out, the homelands promoted power sharing between two sociologically distinct groups, though one of which (black South Africans) was in a subordinate position.

Because of the consociational proposals of apartheid leaders in the 1980s, anti-federalism was embedded in the thinking of many associated with the Charterist Movement (The ANC, the South African Communist Party (SACP), and other groups adhering to the non-racial principles of the 1956 Freedom Charter) prior to non-racial elections. There was a deep suspicion of provincial authority, which had been used ruthlessly by the old regime against local civics (civil society organizations) in the townships during the last years of apartheid rule. For many within the MDM, federalism was simply not an option. For those in the ANC opposed to federalism, feelings were strong. Within ANC circles, there was great suspicion of federalism (Botha 1996).

In the early 1990s, there had been little interest in federalism or intermediate government within the MDM. In a February 1991 workshop facilitated by Picard, a number of highly talented and politically experienced NGO planners could assume that the greater metropolitan authority of Johannesburg could exist in a relationship with the central government without the intervention of intermediate (provincial) political structures (Research Diary, February 16, 1991). Provincial officials had played a key role in the national security management system during the apartheid period and formed a contact point between civilian administrators and the security system. For this reason, many in the ANC remained highly suspicious of provincial government throughout the Government of National Unity (GNU).

The ANC’s overall goal was to create a centralized unitary state with local authorities that had delegated, rather than devolved, power. The ANC remained uncomfortable with politically decentralized, and specifically devolved, authority. Although there was some recognition that provincial authority was needed, the ANC leadership, during the negotiations and beyond, talked more in terms of the deconcentrated authority of the old provinces. Demands for federalism were seen as part of a neo-apartheid strategy.

The debate about devolved authority should be seen within the context of the homelands system prior to 1994. In 1994, 58 percent of the African population, or 31 percent of the total South African population, lived in the ten homelands (Mokgoro 1995; See also “People Living,” 1999). Most of these people lived in poverty due to severe economic deprivation. Despite the needs in the homelands, the ANC initially showed little interest in provincial government after it was unbanned in 1990. Rather, the ANC showed an interest in a regional administration that reflected national interests and was prefectoral in nature. In 1990, according to one ANC advisor:

Regionalism is important. We see a regional form of government, a territorial system. Its purpose, however, must be to cement the unitary state. Regional government must work with the economy as well as the political process. Regions will take account of the diversity of different areas (Interview with Cassim, 1990).

It is essential to keep in mind that to the ANC and to the MDM, the former homelands were islands of dismal poverty and were without political legitimacy. They had an incompetent and corrupt administration and were a burden on the government and society as a whole (Interview with Cassim, 1992).

Some policy advocates, and documents from the ANC, suggested the need for a deconcentrated authority with an executive committee system of administration, similar to that which existed after 1986 in the “white” provinces, though it would be overlaid by the limited political authority of a provincial premier and his Executive Council. From an ANC policy perspective, the old provincial administrations would serve as the intended bureaucratic vehicles for joint authority during a transitional period of up to two years, during which the homelands would be reincorporated. The ANC 1994 election manifesto on regional policy provided little to those who sought a more federal arrangement and said nothing about the need to build capacity at the provincial level.

Federalism, even a weak form of federalism, would in reality involve a decentralized civil service that could provide regional services that were equipped to respond efficiently and effectively to local needs. There could be a two-tier civil service in the provinces that would do most of its recruitment locally within the region. However, in spite all of the discussions and the negotiations about provincial autonomy, the administrative realities were such that it would take considerable time to introduce these changes at the provincial level (Regional Policy Guide 1994).

There was much debate about whether there should be a separate vote in the "independent" homelands over reincorporation into South Africa. The Transkei initially called for a referendum, but scrapped the demand in April 1990. The Ciskei originally supported incorporation, but by mid-1990 began to argue that a test of electoral will was necessary. Although the National Party did not oppose homeland reincorporation, it did argue that unincorporated areas (the independent homelands) should not take part in the non-racial elections. For the leadership in Bophuthatswana, reincorporation depended upon whether strong regional government dominated by Tswana elites was agreed to and what the boundaries would be. During the 1990-1993 period, moreover, a number of homeland leaders (including those allied with the ANC) opposed incorporation.

The debate about homelands and regional government was a vital undercurrent that dominated all conservative groups (whether black or white), homeland governments, and conservative whites alike prior to 1994. An election without the approximately ten million TBVC citizens would have sharply reduced the African voting population and would have dramatically improved the prospects of the National Party. For the ANC, its heartland of support was in the Eastern Cape, and it needed the almost six million voters in and near the Transkei and Ciskei (Humphries & Shubane 1993).

**The Deal**

The timeline for negotiations on regional and local government was defined by civil conflict (the anti-apartheid struggle), the four years of negotiations, and the constitutional changes which followed. As a result, there was a reverse sequencing of decentralized governance as it was linked to democratization and preceded state reconstruction. As democracy became more entrenched, sub-national government became more under centralized control. Thus, decentralization, as a component of the negotiations process, preceded rather than followed democratization. To put it another way, as political stabilization increased, there was increased centralization in South Africa government rather than the other way around.

Two of the working groups at CODESA were directly concerned with regional government. Working Group Two, as was noted in Chapter 12, looked at the question of regional government and at regional representation in the central legislature. In addition. Working Group Four was to discuss the reintegration of the independent homelands, the TVBC States, into South Africa (Humphries & Shubane 1993). By early 1992, the ANC and the National Party had agreed that there would be elected regional councils at the intermediate government level in South Africa. Negotiations then shifted to the shape that councils would take and what authority they would have.

Through much of the negotiations, the ANC and the National Party left the issue of regional powers open. As has been noted earlier, the regionalism debate became prominent during the renewed constitutional negotiations at the World Trade Center in March 1993 (De Coning & Liebenberg 1993). By then, debate in the negotiations had come to focus on the nature of regional government and the extent to which provincial governments would be federal in nature. The National Party wanted seven autonomous entities while the ANC wanted 10 to 14 deconcentrated and centrally controlled regions. The ANC also had a sixteen-region proposal (Picard, Research Diary, February 24, 1993). Provincial leaders of the ANC were determined to remove civil servants appointed by the National Party from both the homelands and provincial governments (Kanhema 1996).

As the parties approached negotiations, the issue of regionalism took on both political and technical components. The GNU, in the end, inherited a number of unresolved political issues from the negotiations’ compromises and the controversy continued. The debate in Kwa-Zulu Natal was particularly difficult given the ongoing violent conflict between the ANC and the Inkatha Freedom Party in KwaZulu-Natal over the nature of provincial authority. Technically, the issue ultimately linked personnel policy and management to policy debates. Regions in South Africa would differ significantly in their institutional infrastructure and their administrative capacity (Savage & Shisana 1988).

As an extension of the negotiations process, by late 1993 administrative forums had developed in the Northern Transvaal, and political forums developed in Eastern Transvaal and the Eastern Cape (Donaldson et al. 1992). Civil service meetings included the National Civil Service, provinces, plus one or more homeland administrations. Political and civil service forums, along with the South African Educational Trust Fund and other forums, constituted the beginnings of a provincial change process. At the regional level, these forums played an important role in the transition and were an important factor in the transition process intellectually.

The going was not easy. Political forums often refused to work jointly with establishment or statutory organizations. Separate civil service meetings were held, but without political acceptance. Much valuable time was lost in 1993 (Picard, Research Diary).[[10]](#footnote-10) As the parties moved towards the end game in the negotiations, the debate about provincial government moved into the Transitional Executive Council (TEC). Transition mechanisms were established within the TEC and a joint administration at the regional level, with the new provincial administration being the driving force of the transition. Since the old white provinces were much less constitutionally developed than homelands, the imbalance in authority impacted upon on the new provinces.

The issue of provincial autonomy remained at the center of Buthelezi's opposition to the transition process down to early 1994. On the eve of the 1994 elections, Buthelezi and Inkatha were still unhappy about the powers and autonomy of provinces under the interim constitution and the degree of dependence that provinces had on central government in terms of their revenue (De Klerk 1999).

The final arrangements did increase provincial power in the interim constitution. Inkatha, at the last minute, agreed to enter the electoral process, garnered over 10 percent of the national vote in 1994, and remained an active player in Natal and at the National level. Moreover, a post-election pact signed between the ANC and the Inkatha Freedom Party eased tension during the GNU. The discovery of arms caches in KwaZulu-Natal caused increased tension prior to the 1999 elections, but after 1994, relations between the two parties were surprisingly smooth if not warm.

In the former Transvaal, the ANC agreed that four new provincial organizational structures were to be developed, and administrators from the old homelands and the Transvaal Provincial Authority were merged into a single system. At least 6000 civil servants, however, were paid to remain in a "reserve pool." The situation was similar in the former Cape that was to be divided into three provinces. Two provinces, the Orange Free State and Natal, would retain their identity and geographical space. But, many issues were left without substantive agreement at the time of the elections in June 1994. These would come back to haunt South African policy makers and the concerned public in the years to come.

Negotiations at the provincial level had focused on the extent to which provinces would have federal elements as opposed to devolved authority or even deconcentrated responsibility. Public services after 1994 continued to be supervised at the national level through central government ministries which were linked to their provincial level counter-parts in a deconcentrated relationship. Local government service departments such as health, education, and water were linked directly with the national ministries.

Given the context of negotiations, the white provincial administrative structures and capacity that existed in them were much stronger than those of the homelands. Thus, the regions that inherited the provincial bureaucracy (Gauteng, Cape Town, and Natal) were stronger than those dominated by Bantustan bureaucrats. When one talked about regional capacity in the new South Africa, focus was inevitability on whether the homeland bureaucracies had a pool of skilled managers and professionals that would be transferred to the new provinces. The answer would be no.

Negotiations over provincial government came late and formed part of the final compromise between the National Party, the ANC, and the Inkatha Freedom Party. Despite a commitment to some devolution of authority, provincial powers remained ambiguous under the interim constitution. The final constitution did bring provincial government some genuine autonomous powers that were based on federal principles, including some taxation powers. One ANC representative described the 1996 constitution as an example of cooperative federalism and referred to the South African government as “integrated governance” (Fraser-Moleketi 2007). The stated goal was to coordinate all government actions at all levels of government, increase the harmony, and better align policy, thus creating a common institutional culture throughout the country.

The compromise that ended the negotiations led the ANC to agree to strengthen the nine provinces in both their executive and legislative authority (McLennan 1995). They did so without conceding the principle of devolution of authority to provincial level. Several agreed upon policy guidelines were the basis of post-1994 actions that concerned the future national and provincial civil services. First, all current occupants of public sector positions would have their job security and present income guaranteed. Positions, not jobs, would be reserved for incumbents. Second, civil servants had to accept the possibility of geographical transfer. Third, all parts of the bureaucracy, central and regional, would have to be under uniform and central control. Fourth, the post-transition state could cater to affirmative action by providing alternative opportunities and creating new training opportunities through job creation programs. The reality however was that “[t]he transfer into regional government of homeland civil servants may have helped to infect the new system with the patrimonial habits of Bantustan officialdom” (Lodge 2003, p. 131).

From a policy perspective, the ANC initially had concluded that the old provincial administrations would serve as the intended vehicles for joint authority during a transitional period of up to two years during which the homelands would be reincorporated. The realities of political transfer required more rapid changes. As one of his first acts, President Nelson Mandela signed the Public Service Act of 1994. The act provided for the integration of central government and provincial and homeland civil servants. No political authority was devolved, however. On May 10, 1994, the new provinces had no power and would only receive their authority when central government officials determined that the provinces had the capacity to govern and administer their areas (Pottie 1999).

The capacity-building challenge was particularly great in the homelands because, as one senior homeland administrator admitted in the mid-1980s, "The homelands are very inefficient. It is a very conservative sector of society" (Interview with Vieviers 1994). The homelands had incurred huge liabilities in the last decade of the apartheid period (Sparks 2003). The Transkei, audited in 1988, “did not have basic information about the quality and even the location of government facilities-offices, buildings and equipment” (Lodge 1999b, p. 14). In addition to the rationalization of government departments, national or provincial governments had to absorb or liquidate all of the public corporations in the homelands (Mentz 1992).

Under the terms of the negotiated settlement, all contractual obligations had to be honored within homelands. This included homeland civil service contracts. As Job Mokgoro (undated manuscript, p. 2) put it, "[i]t would be absurd to retain white civil servants [from central government] but dismiss black civil servants, simply because they have worked in Bantustan structures." The incorporation of people from the homelands of course brought hundreds of thousands of unqualified people into the civil service (Thiel 1997). Among homeland officials, the new government did not find a "ready pool of skilled personnel since most [were] unqualified or under-qualified" (Humphries & Shubane 1994).

The completion time for the transition to the new provincial system was estimated by planners to be between 8 and 24 months, depending on the nature of the province and its administrative structure. This was inevitably far too short. Two issues were missing from discussions of the provincial transition. First, what would be the nature of negotiations at the labor relations level and secondly, what was to be done about inter-organizational and intergovernmental tension (“The Amalgamation of Previously” 1994).

By mid-1993, compromise over regionalism had become one of the keys to the success of the negotiations. In the end, the two parties reached agreement by papering over many of their differences (Atkinson 1994). At that point, the ANC and the National Party gravitated toward the use of the nine roughly equal and very utilitarian regional divisions that had been defined by the Southern African Development Bank a decade before. However, during the course of the negotiations there was never total agreement on the power to be given to the provincial governments. The issue would remain unresolved for much of the GNU (and only partly resolved in 1996 with the ratification of the final constitution). In the next chapter, we will examine the final negotiations to create the GNU as part of the “endgame” to the negotiations process that created the post-apartheid South African state system.

**Conclusion**

The transition to non-racial government in South Africa took part largely through the intersection of international pressure, an external revolt led by the ANC, the PAC, and the South African Communist Party, as well as a series of internal local level challenges to authority in both urban and rural South Africa by organized groups of black (African, Indian, and mixed race) South Africans, assisted by a small but strategic group of white supporters.

 Rural revolts have long been an important part of the resistance process beginning with a series of regional level revolts within the first decade of the twentieth century in Pondoland, Zululand, and Sekhukhuneland, moving to the 1940s revolt in Witsieshoek, and to the Transkei and Tswana revolts in the 1950s (Mbeki 1964). The intermediate government under apartheid (the homelands) was a particular target of political resistance prior to 1990. Thus, provincial authority would be an important component of the debate about the new South Africa.

In 1990, after forty years of apartheid and a decade of violence and repression, Nelson Mandela was released from Victor Verster prison, took his long walk to freedom, and South Africa began to move towards a non-racial constitutional government and a new attempt to develop a policy of economic and social change at the provincial level in both urban and rural areas.

What remained unclear was the impact on future development efforts of the apartheid-based failed strategies of development management and the bankrupt assumptions about a cultural dichotomy between traditionalism and modernization that had defined development theory for much of the post-war (WWII) period in South Africa. Post-apartheid politicians in a non-racial South Africa would not start with a clean slate, administratively. Bureaucratic structures, untrained civil servants and patterns of administration and control would outlast the political ideology and the public policy process that put them in place. In 1993 and 1994, provincial administrators negotiated with workers to find mutually acceptable channels for negotiations, salaries, safety conditions, job creation, and training.

Entrenched privileges for provinces come out of the negotiations and the Interim Constitution of 1993. Despite the successful conclusion of the permanent constitution in 1996, provincial powers continued to be an area of uncertainty and were one of the sections of the final constitution thrown out by the Constitutional Court in September of that year because the section did not include sufficient guaranteed authority for provincial government. A particular question was whether there was a serious role for the provinces in the parliamentary process at the national level (Clayton 1999).

After 1994, the ANC remained ambivalent about provincial government, with some in the movement calling for their abolition and others demanding that they be shorn of political autonomy. By the end of the Mandela administration in 1999, much of the political autonomy of provinces had been taken away; especially in those provinces controlled by the ANC. Provinces, with the exception of Natal and the Western Cape, became more administrative in nature and were characterized by significant corruption levels (Picard 2006).

The structures and processes that evolved during this period would have long-term implications for South Africa's future, regardless of what changes were made at the national level. Rather than patterns of economic change, it was the evolving bureaucratic structures in the homelands and the centralizing tendencies of the ANC that were important in influencing and limiting provincial governance. It is to that process that we now turn.

1. In the late 1980s, negotiations had developed at the local level as well between civic associations and local government authorities. These negotiations increased as part of the transition. [↑](#footnote-ref-1)
2. On a whites only franchise of course. [↑](#footnote-ref-2)
3. Dirk Kotze made this important point as early as 1975. [↑](#footnote-ref-3)
4. The opposition party in the homeland was called the Democratic Party. There was no relationship between this party and the liberal opposition party at the national level in the late 1980s and 1990s. [↑](#footnote-ref-4)
5. Quoting then “Major-General the Right Honourable H.B. Holomisa: Chairman of the Military Council: Transkei,” in *Quo Vadis TBVC* (1990) pp. 145-146. [↑](#footnote-ref-5)
6. Not to be confused with the United Democratic Front or UDF. [↑](#footnote-ref-6)
7. See the map displayed in Friedman, S & Humphries, R (eds.) 1993. This book contained the Proceedings of Institute for Multi-Party Democracy and the Centre for Policy Studies Workshop, The Politics and Economics of Federalism: A South African Debate, held at the Brakewater Lodge, Cape Town, August 21-23, 1992. [↑](#footnote-ref-7)
8. 8For this information we are grateful to Patrick Fitzgerald who described a trip he made to the Transkei in October of 1990 on behalf of the ANC. [↑](#footnote-ref-8)
9. This comment recorded in Picard, Research Diary. My colleague requested anonymity. [↑](#footnote-ref-9)
10. Picard attended these meetings and possesses the unpublished records of the Northern Province Civil Service Seminar Convened by the Secretariat of the South African Civil Service Forum which was held in Pietersburg, now Polokwane, November 15-17, 1993. From Picard’s research diary. [↑](#footnote-ref-10)