THE CONVERSION FUNCTION OF THE POLITICAL PROCESS IN LEBOWA UNTIL 1990 ACCORDING TO THE STRUCTURAL FUNCTIONAL ANALYSIS OF GABRIEL A. ALMOND AND G. BINGHAM POWELL, JR.

by

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Preface

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SUMMARY

This study seeks to use the structural-functional model of Almond and Powell to explain the functioning of the political system of Lebowa as a self-governing territory in the Republic of South Africa.

Against the background of the historical development of Lebowa and the emergence of apartheid - or separate development as it was also termed - the political process in Lebowa is described and analysed in terms of the conversion function of Almond and Powell's model.

Interest articulation, interest aggregation, rule-making, rule-application, rule-adjudication and communication are examined as functions of the conversion process in Lebowa.

It is evident that Lebowa's position within greater South Africa, the importance of traditional structures, and the existence of modern political structures, play a major role in the political system of Lebowa.
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CHAPTER 1: INTRODUCTION

This chapter provides a justification for the choice of the subject of this study and an explanation of the concomitant problem formulation. This will be followed by a general comment on the approaches and theoretical models used in this study. The structural-functional model of Almond and Powell is discussed, and an explanation of the concept "political system" and its functions as used in this study is provided. The chapter concludes with a summary of each of the chapters comprising this study.

1.1 CHOICE OF SUBJECT

This study seeks to analyse the political process in Lebowa, a subject which was chosen for three reasons. Firstly, the study was undertaken out of personal interest as the author has served as a member of the Lebowa Legislative Assembly for an unbroken period of thirteen years including a period of three and a half years as a member of the Lebowa Cabinet. During this period it became clear to author that there was a manifest need for a detailed description and explanation of the political process in Lebowa. Secondly, it is hoped that an explanation of this kind would serve to enhance citizen participation in politics in Lebowa as well as a guideline for the professional training of political practitioners. Lastly, this study ought to contribute to the understanding of the political process in Lebowa held by foreign individuals, organizations and Governments.
1.2 PROBLEM FORMULATION

The political process of the national state of Lebowa is determined by a plethora of Acts passed by the Parliament of the Republic of South Africa and proclamations by the State President of South Africa. An overall view of the political process in Lebowa requires an understanding of all these sources. This presents a problem to citizen participants in politics, political practitioners, students of political science and foreign observers.

This problem is further complicated by the fact that very little has been written about the political process in Lebowa. In view hereof, this study seeks to provide an academic description and explanation of the political process in Lebowa. This will be achieved by using a specific model (Almond & Powell's structural-functional model) in the explanation and analysis.

The problem which this study seeks to answer can be formulated as follows: "how does the political system in Lebowa function?" The conversion function of Almond and Powell's structural-functional model will be used as a tool to analyse the Lebowa political system.
1.3 METHOD

The method of the study is primarily descriptive and analytic. The historical background which ultimately led to the establishment of the self-governing territory of Lebowa will be presented chronologically. Personal interviews, Acts of Parliament, Proclamations, and other sources will be used to provide a description of the Lebowa political process. As stated, the conversion function of the structural-functional model of Almond and Powell is used to analyse the political process in Lebowa. As the emphasis of this study will be the political process in Lebowa, this model will be used merely as a theoretical instrument with which a better analysis of the political process is possible.

The Lebowa political system emanated from an evolutionary process developed within the Republic of South Africa as a part of the political ideology of apartheid or separate development policy.

Consequently, a brief historical exposition of this ideology is provided.

1.4 APPROACHES TO THE STUDY OF POLITICS

Political scientists use different approaches or models to organize the information they have about a particular research topic as unorganized facts are not very helpful in understanding things. When
something new is discovered, the question is asked: what does it mean? The meaning of such a phenomenon is determined by how it fits into the body of existing knowledge. The mechanism used to incorporate the phenomenon into existing knowledge is an approach, or a model - in this case, an approach to, or a model of politics.

An approach is therefore a set of concepts, categories, or terms that serves to focus attention on particular aspects of politics. Approaches are intended to serve as bases for organizing information about most or all aspects of politics. The central concepts around which some prominent approaches to the studying of politics have emerged are SYSTEM, FUNCTION, COMMUNICATION, DECISION MAKING and DEVELOPMENT (Welsh 1973:62-65).

The aim of this study is not to cover the considerable variety of approaches and models used in political science. In fact, it would be a lengthy undertaking even to summarize the most prominent of these. For purposes of this study, only the structural-functional model of Almond and Powell will be discussed (with special emphasis on the conversion function).

1.4.1.1 **ALMOND AND POWELL’S STRUCTURAL-FUNCTIONAL MODEL**

The structural-functional model of Almond and Powell combines elements of a systems approach, a functional approach and a developmental approach to politics. As such, this model represents a kind of
amalgamation of some of the recent conceptual thinking in political science (Welsh 1973:83).

The aim of structural-functional analysis is to provide a consistent and integrated theory from which can be derived explanatory hypotheses relevant to all aspects of a given political system. The approach is characterized by certain common features: firstly, an emphasis on the whole system as the unit of analysis; secondly, a postulation of particular functions as prerequisites for the maintenance of the whole system; and the third feature demonstrates the functional interdependence of diverse structures within the whole system. The principal objective of structural-functional analysis is to determine the contribution of a social item, a structure or process to the persistence of the system in which it occurs, that is, the role it plays in maintaining the system within specified limits (Bill 1973: 202-203).

1.4.1.2 THE POLITICAL SYSTEM

While the Almond and Powell model shares several characteristics with David Easton's systems approach, these two perspectives can be clearly discerned from one another. Almond and Powell's notion of the political system is very similar to that of Easton. They agree that the system is an ecological concept implying an organization interacting with an environment, influencing it and being influenced by it.
This also suggests that there are many interacting internal parts to a system (Almond & Powell 1966:3).

Almond and Powell consider these interactions to be roles rather than just persons. Similar to the interacting roles of father and mother, husband and wife, brother and sister in a family system, the political system comprises interacting role incumbents like voters, legislators, administrators, judges and so on (Almond & Powell 1966:19-20).

According to Almond and Powell, the political system is commonly associated with the use of legitimate physical coercion in societies (Almond & Powell 1966:17). They maintain that legitimate force is the thread that runs through the action of the political system, giving it its special quality and importance, and its coherence as a system. Easton speaks of "authoritative allocation of values" (Easton 1965:50) and Lasswell and Chaplain of "severe deprivations" (Lasswell 1950:21).

While some terms like state, government and nation, are limited because they direct attention to a particular set of institutions usually found in modern Western societies, the concept "political system" "directs attention to the entire scope of political activities within a society, regardless of where in the society such activities may be located" (Almond & Powell 1966:17).
1.4.1.2.1 THE POLITICAL STRUCTURE

"The political system includes not only governmental institutions such as legislatures, courts, and administrative agencies, but all structures in their political aspects" (Almond & Powell 1966:18). The concept "political structure" is defined by Almond and Powell as "the observable activities which make up the political system" (Almond & Powell 1966:21). In this context, the term "political activities" does not refer to the total activities of individuals, but just to that part of their activities which form part of the political process.

That particular part of the activities of individuals which form part of the political process is referred to as the role. "The individual members of a society usually perform roles in a variety of social systems other than the political system ..." (Almond & Powell 1966:21). Almond and Powell refer to particular sets of roles which are related to one another as structures. They use the concept "role" and "structure" rather than "office" and "institution" because they wish to emphasize the actual behaviour of the individuals who are involved in politics, and the actual performance of the particular institution with which they may be concerned (Almond & Powell 1966:20-21).

Every political system is continually involved in recruiting individuals into political roles. Almond and Powell refer to this process as the recruitment function. A very important aspect of the development
or transformation of any political system involves role differentiation or structural differentiation. By "differentiation" Almond and Powell refer to "the processes whereby roles change and become more specialized or more autonomous or whereby new types of roles are established or new structures and subsystems emerge or are created" (Almond & Powell 1966:22). Differentiation is not the only aspect through which political development occurs.

1.4.1.3 POLITICAL CULTURE

In studying any political system we need to know its underlying propensities as well as its actual performance over a given period of time. Almond and Powell refer to these propensities, or this psychological dimension of the political system, as the political culture. They define political culture as consisting of "attitudes, beliefs, values, and skills which are current in an entire population, as well as those special propensities and patterns which may be found within separate parts of that population" (Almond & Powell 1966:23). Some regional or ethnic groups or social classes may have special propensities. The propensities of these particular groups are referred to as subcultures.

There are two concepts that are closely related to political culture, namely "political socialization" and "cultural secularization". Political socialisation "is the process whereby political attitudes and values are inculcated as children become adults and as adults are recruited into roles" (Almond & Powell 1966:24).
With regard to the developmental aspect of political culture, the term commonly used is "secularization". "Secularization is the process whereby men become increasingly rational, analytical and empirical in their political action" (Almond & Powell 1966:24). Therefore, the secularization of culture involves the process whereby traditional orientations and attitudes give way to more dynamic decision-making processes.

1.4.1.4 FUNCTIONAL ASPECTS OF POLITICAL SYSTEMS

Almond and Powell distinguish between three levels of functions, described as "activities". The first level comprises capability functions. At the second level are the conversion functions, while the third level is that of system maintenance and adaptation functions.

1.4.1.4.1 CAPABILITY FUNCTIONS

"At this level we are focusing on the behavior of the system as a unit in its relations to other social systems and to the environment" (Almond & Powell 1966:28). Five types of capabilities are mentioned: extractive, distributive, regulative, symbolic and responsive. Almond and Powell regard these concepts as simply ways of talking about the flows of activity into and out of the political system.
These concepts show how a system performs in its environment, how it shapes that environment, and how it is shaped by it (Almond & Powell 1966:29).

1.4.1.4.2 CONVERSION FUNCTIONS

The conversion functions are internal to the system and involve the ways systems transform inputs into outputs. In the political system this involves the ways in which demands and supports are transformed into authoritative decisions and are implemented.

The conversion functions of one political system may be analysed and compared with those of other systems according to the following functional scheme:

(a) Interest articulation: The process by which individuals and groups make demands upon the political decision makers is called interest articulation. It is the first functional step in the political conversion process. The importance of this function lies in the fact that it marks the boundary between the society and the political system (Almond & Powell 1966:73).

(b) Interest aggregation: It is through interest aggregation that the desires and demands of citizens are converted into a few
policy alternatives. In democratic societies, the candidates for political office, or political parties bargain with interest groups and voters, offering policy commitments in exchange for electoral support. These policy commitments will, in the form of policy alternatives, represent the interests and the demands articulated by the voters (Almond & Powell 1988:88-99).

(c) **Rule-making:** The process by which authoritative rules are formulated is referred to as rule-making. According to Almond and Powell, the term "rule-making" is preferred to the term "legislation" because the latter term, "seems to connote some specialized structure and explicit process, whereas in many political systems the rule-making function is a diffuse process, difficult to untangle and specify" (Almond & Powell 1966:132).

(d) **Rule-application:** These rules are applied and enforced. "The sheer volume of rules to be enforced, resources to be gathered, and information to be processed and transmitted requires the rule-making structure, be it monarch, legislature, or common assembly, to seek assistance in application..." (Almond & Powell 1966:142).

(e) **Rule-adjudication:** The application of rules are adjudicated in individual cases. The performance of the adjudication function involves the process whereby authoritative decisions
are made regarding whether or not a rule has been trans- 
gressed in a given situation (Almond & Powell 1966:159).

(f) Communication: The various activities are communicated both 
within the political system and its environment (Almond & 
Powell 1966: 29). Political communication is the 
transmission of politically relevant information through one 
or more available means (Rush & Althoff 1971:402). "The 
performance of the communication function does not include 
all the other political functions, but it constitutes instead 
a necessary prerequisite for performance of other functions" 
(Almond & Powell 1966:165-166).

1.4.1.4.3 SYSTEM MAINTENANCE AND ADAPTATION FUNCTIONS

The third and last level of functions in Almond and Powell's model 
involves system-maintenance and system-adaptation activities. These 
functions are political socialisation and recruitment. "The theory 
of the political system will consist of the discovery of the rela-
tions between these different levels of functioning - capabilities, 
conversion functions, and system-maintenance and adaptation functions 
- and of the relation of the functions at each level" (Almond & 
Powell 1966: 30).
Lebowa consists of thirteen geographical areas spread over a large part of the central, north-eastern and eastern parts of the Transvaal Province of the Republic of South Africa. This fragmented territory is a landlocked area which shares common boundaries with the Republics of South Africa and Venda in the north, Gazankulu in the north-east and east, and with Kwandebele in the South (Botha 1983:29).

Administratively, Lebowa is divided into eleven magisterial districts. Land consolidation proposals are still being negotiated between various authorities and the boundaries of Lebowa could, therefore, change in future. According to the Lebowa Department of Agriculture and Environmental Conservation, the total area of Lebowa comprised 2 183 331 hectares or 21 833 square kilometres in 1986 (Lebowa Government, Department of Agriculture and Environmental Affairs, Annual Report, 1986/87).

At its closest point Lebowa is approximately 150 kilometres from Johannesburg, the hub of South Africa's industrial, commercial and financial heartland, the Pretoria-Witwatersrand-Vereeniging (PWV) region, while the furthest point is about 300 km away. The territory's proximity to the PWV area and several urban centres, especially Pietersburg which is a declared industrial growth point in terms of the R.S.A.'s policy of industrial decentralization, and towns such as Potgietersrus, Tzaneen and Phalaborwa as well as districts where
intensive agriculture is practised, results in large scale migration and daily and weekend commuting by many of the people of Lebowa to those areas. Consequently, the Lebowa's position and its present level of economic development result in a high leakage of purchasing power to adjacent areas (Botha 1983:30).

The population of Lebowa in 1980 totalled 1 755 874 compared to 1 108 459 in 1970. This represents an average annual growth rate of 4.7 percent. The urban population totalled 66 107 or 6 percent of the total population in 1970 as against 112 587 or 6.4 percent in 1980, indicating an average annual increase of 5.5 percent. The non-urban population totalled 1 042 352 or 94 percent of the total population in 1970 as against 1 643 287 or 93.6 percent in 1980, indicating an annual average increase of 4.7 percent (R.S.A.: Department of Constitutional Development and Planning, Central statistical Services, 1970 and 1980 Population Figures). Evident from these statistics is the fact that Lebowa has a predominantly rural population.

Four different forms of population settlement may be distinguished in Lebowa:

(a) Proclaimed towns in the Urban areas. In September 1985 there were 14 proclaimed towns in Lebowa with a total number of 19479 houses (Lebowa Government, Department of Home Affairs, Operational information 1983, 1984 and 1985).
(b) Traditional villages which are only present in rural areas which have not yet been planned agriculturally. They consist of scattered homesteads (hut groups) surrounded by arable land for use by the households. No services are provided in these villages (De Villiers et al 1984). The number of these traditional villages has declined in recent years as more areas become planned (author's observation).

(c) Betterment rural villages which are linked to the programme of agricultural planning. Their administration is dealt with by a traditional leader or Chief known as a Kgoshi and a tribal authority in collaboration with the Department of Agriculture. There are no formal sanitation facilities in these settlements (some families have pit latrines) and people provide their own housing. However, people do have farming rights (De Villiers et al 1984).

(d) Closer settlements have been established near urban areas to cater for people who possess no farming rights. These settlements are semi-urban by nature. Residents have to build their own houses. No formal sanitation facilities are provided (De Villiers et al 1984). There were 981 villages and settlements in Lebowa in 1982. In these rural areas electricity is also available but on a very limited scale.

Lebowa has never been a territorial unit in which the population showed an awareness of national identity. It is therefore necessary
to explain the divisions which exist in the territory despite some cultural similarities among the various segments of the population.

As a result of cultural and linguistic differences, at least four subgroups can be identified within the Northern Sotho, the ethnic group for which Lebowa was designated by the Republic of South Africa: the Lowveld Sotho, the Plateau Sotho, the tribes from Sekhukhuneland, Nebo and Moutse, and the Eastern Sotho in Mapulaneng. Within each of these subgroups there are many different tribes with different subcultures and traditional practices. There are approximately 128 Tribal and 12 Community Authorities in Lebowa (Development Bank of Southern Africa, Data Bank, 1986). In addition to these subgroups, there are some Ndebele and Swazi tribes present in Lebowa. These are not all related to each other and therefore have no common history.

Due to the linguistic and cultural diversity in this territory, the name "Lebowa" which simply means "the north" and is specifically neutral was chosen so as not to offend any of the cultural groups within the territory (R.S.A.: Development Bank of Southern Africa, Data Bank, 1986). The capital of Lebowa is Lebowakgomo. Lebowa has three official languages: North Sotho, English and Afrikaans.
Four categories of material have been used in this study:

(a) Official documents such as Acts of Parliament and Proclama-
tions published in Government Gazettes, and verbatim reports of both the South African Parliament and the Lebowa Legisla-
tive Assembly;

(b) Books, articles and newspapers;

(c) Interviews; and

(d) Personal observations.

As little has been written about the Lebowa political system, reli-
ance has had to be placed particularly on information gathered from the mass media, and the verbatim reports of the Lebowa Legislative Assembly supplemented by the personal experience of the author. In addition, a number of interviews were conducted with leadership fig-
ures in Lebowa for purposes of this study. The study covers a period up to the end of 1990.
1.7 SUMMARY OF CHAPTERS

Chapter 1 is an introductory chapter outlining the content, method and object of the study.

Chapter 2 outlines the constitutional and historical background of Lebowa, and the chronological sequence of Acts and Proclamations which culminated in the publication of Proclamation R225 of 1972 (the Lebowa Constitution Proclamation) which established the National State of Lebowa as a self-governing territory within the boundaries of the Republic of South Africa.

These Acts and Proclamations are all the result or manifestation of the ideology of apartheid or separate development. Therefore, a brief explanation of this ideology is given.

Chapter 3 focuses attention on how interest is articulated in Lebowa. Individual self-representation, anomic, non-associational, institutional and associational interest groups are discussed as examples of different interest articulation structures which articulate interest to a greater or lesser extent in the Lebowa. Formal and institutional channels of access, physical demonstrations and violence, personal connections and elite representation are on the other hand all channels of access to the decision makers. Environmental factors such as political communication, political culture and the distribution of resources also influence interest articulation.
Chapter 4 defines and describes how articulated needs are aggregated by the interest aggregation structures such as the bureaucracy, political parties and traditional structures. Special attention is given to the only existing political party in Lebowa. Three styles of interest aggregation namely, pragmatic bargaining, absolute value oriented and traditionalistic styles are discussed. After a discussion of functions, appointment and election procedures of tribal, regional and central governments, an assessment is made of the influence of traditional tribal aggregation.

Chapter 5 discusses rule-making at tribal, regional and central governmental levels with special emphasis on the different stadia through which such rules must pass in the Lebowa Legislative Assembly. Finally, an evaluation of the rule-making process in respect of general democratic principles is done.

Chapter 6 sets out in broad terms the manner in which rule-application is performed by means of different structures such as the Lebowa Cabinet, Lebowa Government Departments, South African Government Departments, Parastatal Institutions and the Lebowa Local authorities.

Chapter 7 deals with rule-adjudication in the Lebowa as performed by Headmen, and Tribal and Statutory courts. The structural arrangement, modern legal principles and specific procedures are outlined and discussed.
Chapter 8 defines communication and its significance in any given political system, with special reference to types of communication structures such as personal contact, traditional social structures, political input and output structures and the mass media.

Chapter 9 ends the study with a summary and conclusion. A synopsis is given of the empirical deductions that are made, followed by an evaluation of the practical applicability of the conversion function of Almond and Powell in the Lebowa political system.

1.8 CONCLUSION

It is clear from the above exposition that, because of the trend, particularly in the United States of America, during the last 30 years towards behavioural perspectives in the study of politics, most of the approaches and models referred to in this study are largely behavioural in orientation. Both Easton's systems approach and the structural-functional model of Almond and Powell are, in part, a response to the less dynamic character of earlier theories. Almond and Powell express themselves as follows: "It is increasingly obvious that the study of politics must be a dynamic system-and-process analysis, and not a static and structural one" (Almond & Powell 1966:41). With the intention of providing a conceptual framework within which political systems can be analysed and compared, Almond and Powell's structural-functional model can be used to explore
developmental patterns, to explain how a political system change and why those changes occur.

The structural-functional model of Almond and Powell, is meant to provide an analytical and heuristic model. It offers taxonomic frameworks and classificatory schemes for collecting and coding research material. This model of Almond and Powell is useful in the analysis of individual countries. The functional schema of the two writers, may be viewed on three different levels, namely the capability, the conversion and the maintenance and adaptation levels.

The first function has to do with the capabilities of the political system. "When we speak of the capabilities of a political system, we are looking for an orderly way to describe its over-all performance in its environment" (Almond & Powell 1966:28). Through the analysis of types of inputs and outputs, the categories of capability which are used by Almond and Powell are determined. Consequently, "these concepts of regulative, extractive, distributive, and responsive capability are simply ways of talking about the flows of activity into and out of the political system" (Almond & Powell 1966:29).

The second level of functioning is the conversion processes which will be discussed later for purposes of this study.

Regarding the third and the final level of functioning, Almond and Powell speak of system maintenance and adaptation functions. These
functions involve the socialisation and recruitment of people into the political system (Almond & Powell 1966:30).

In this study, the conversion function of the structural-functional model of Almond and Powell will be used to analyse the political process in Lebowa. Using the sixfold conversion function identified by Almond and Powell, the following will be examined: the manner in which the people of Lebowa articulate their needs and demands (interest articulation); how these demands are combined in the form of alternative courses of action (interest aggregation); how these consolidated demands are processed into authoritative rules (rule-making); how these rules are applied and enforced (rule-application); how these applications of rules are adjudicated in individual cases (rule-adjudication); and lastly, how the other conversion functions of the system are communicated to members of the system and to the system's environment, including other systems (communication).
CHAPTER 2: ESTABLISHMENT OF THE NATIONAL STATE OF LEBOWA

2.1 INTRODUCTION

To understand a political system, its historical and constitutional background is important, not merely in the direct sense which explains the origins of the social structure and institutional framework within which the system operates, but also in the indirect sense which would include the way in which the views people have of their past affect their present political attitudes and conduct. This is often particularly true of people whose values are being challenged and who seem to be threatened, such as Black nationalists who are constitutionally denied the right to be represented in the central decision making body of the Republic of South Africa.

This chapter deals with the historical and constitutional background of Lebowa as a National State or self-governing territory.

Lebowa is, as has been stated, the product of a specific ideology or paradigm which is primarily associated with one political party namely, the National Party of South Africa. This is the ideology of apartheid which was later referred to as separate development. The purpose of this chapter is to sketch the political environment in which Lebowa is situated within the broader framework of South Africa and especially how Lebowa is a creation of apartheid, with special emphasis on the constitutional aspects of this creation.
The establishment of the National State of Lebowa brought with it political responsibilities and obligations for the Lebowa Legislative Assembly as provided for in Schedule I of the Black States Constitution Act, 1971 (Act 21 of 1971 as amended), and Proclamation R225 of 1972.

2.2 CONSTITUTIONAL AND POLITICAL DEVELOPMENT PRIOR TO THE UNION OF SOUTH AFRICA

2.2.1 HISTORICAL BACKGROUND

South Africa is internationally associated with apartheid. This ideology and social phenomenon of which Lebowa is part, is widely ascribed to the National Party and especially its policies since 1948. However, the history of colonialism and imperialism in South Africa since about 1700 needs to be properly understood to realise that apartheid is much deeper embedded into South African society than merely as the policy of a political party (Cf. Giliomee & Elphick's *The Shaping of South African Society*).

Apartheid is a difficult concept to analyse because of the diverse interpretations given to it. It is associated with colonialism of a special type, racist capitalism, pure racism or as a manifestation of Afrikaner nationalism. Apartheid could therefore be analysed in terms of class or race. The difference between these approaches

In this chapter the liberal, race based approach is used to look at history and explain the origins of apartheid. This approach places much emphasis on the role played by Afrikaner nationalism in the rise of apartheid. Since time immemorial, Southern Africa has been the scene of interaction between diverse peoples. Knowledge about most of these processes is still meagre, but it is evident that by the seventeenth century people earned their livelihood in the region in three different ways: by hunting, by herding, and by farming (Thompson 1982:20).

The Bantu-speaking people, who owned cattle, cultivated grain crops, and used iron implements, occupied most of the better watered eastern half of the region (Thompson 1982:21).

Thompson further maintains that, before the nineteenth century the Black people of Southern Africa (including those in Lebowa), were organized in small polities, varying from single villages with no more than a hundred members who were biologically related to one another, to polities containing many villages and several thousand members.

Each polity was ruled by a Chief, who held office by virtue of some combination of hereditary and personal qualities. The powers of the
Chief were limited by well-established customs and by the fact that decisions could only be enforced if they had popular support.

The structure of Black society and the political system which had prevailed for several centuries in much of Southeastern Africa was transformed in 1836 when the Afrikaner Voortrekkers began to penetrate northern and eastern parts of the Cape Colony (Lacour-Gayet 1970:117-118).

2.2.2 THE FIRST PHASE OF WHITE CONQUEST

The white conquest of South Africa took place in two phases. During the first phase - roughly coterminous with the period of rule by the Dutch East India Company (1652-1795), White immigrants from the Netherlands, Germany, France and other parts of North-Western Europe established themselves in Southern Africa and became a distinct and fairly homogeneous community, the embryonic Afrikaner nation. In the process they conquered the San and the Khoikhoi inhabitants of that area. However, many Khoikhoi remained within the expanding frontiers of White settlement, loosing their land, their stock and their social cohesion and becoming shepherds and cattleherders for the White farmers (Thompson 1982:23-24).

In the face of all these adverse developments, the leaders of the Khoikhoi tribes, who were really weak at the time, failed to rally their followers to effective resistance or response. By the turn of
the eighteenth century there was no visible leadership at all above clan level among the still independent Khoikhoi near the Cape Colony (Giliomee & Elphick 1979:21).

2.2.3 THE SECOND PHASE OF WHITE CONQUEST

During the second phase of White conquest, which roughly corresponds with the time of British ascendancy in South Africa (1795-1910), the African or Black chiefdoms were conquered and the White settlement was extended to its present limits. The first clear victory of Whites over Africans (Xhosa) was in 1812 (Davenport 1989:128), while the last African people in South Africa to be brought under White control were the Venda in the 1890s. The last flicker of resistance on a traditional basis to the imposition of White control was the Zulu rebellion of 1906 (Davenport 1989:165-170).

In this period the White population was enlarged by further immigration, mainly from Britain, which began in 1820 and reached a considerable scale after the discovery of diamonds in Griqualand West during 1867 – and of gold on the Witwatersrand in 1886 (Lacour-Gayet 1970:133 & 154).

Thompson maintains that the Bantu-speaking people (Blacks) were conquered piecemeal, some by peaceful penetration and others by force of arms. While the Khoikhoi had lost control of their land, and with it their social and cultural autonomy, in the process of conquest, the
far more numerous and more formidable Bantu speaking Africans managed to retain part of their land and therefore were able to preserve their social and cultural integrity. They kept all the land that became the African reserves (Homelands) within South Africa (Thompson 1982:25).

In the process of penetration into the interior, the White Voortrekkers left the Cape Colony in and after 1836 and founded the independent republics of the Orange Free State (1854-1900) and the South African Republic - or Transvaal - (1852-77) and (1881-1900) Natal (Muller 1969:233-252).

2.2.4 POLITICAL AND CONSTITUTIONAL DEVELOPMENTS

The Voortrekkers' first political and constitutional improvisations were for the regulation of their own affairs as migrant communities. When those improvisations resulted in territorial political systems, they ensured their dominant position by confining political participation only to Whites.

In the Republic of the Orange Free State and the Zuid-Afrikaansche Republiek only the Whites had political rights (Thompson 1960:111). In the Cape Colony and Natal, a qualified franchise was granted to Blacks in 1870. The restrictions Blacks had to overcome to acquire the right to vote in Natal were applied in such a manner by the
British government that only a small number of Blacks actually obtained the right to vote (Trapido 1968:79).

In the Cape a political struggle developed between the English and the Afrikaans-speaking inhabitants. This struggle was absent in Natal, where the English-speaking group was by far in the majority. The Blacks, both in the Cape and in Natal, firmly believed and hoped that the British Imperial Government would protect their rights, and consequently made very little effort to obtain the right to vote. Even if Blacks could nominally have obtained the right to vote, the actual practice in Natal was such that the law was administered in such a way that the Non-whites were, to all intents and purposes, debarred from obtaining the franchise (Marais 1985:50).

A South African Native Affairs Commission appointed by Sir Alfred Milner in 1903 to make recommendations to the Transvaal, Orange River and Cape colonies, with regard to demands for land by Black tribes and their political rights, formalised the idea of racial segregation in a new way. It envisaged the territorial separation of Blacks and Whites for the purpose of residence and ownership, and approved the establishment of segregated locations for urban Blacks in various centres. It further urged that Blacks be represented only by Whites in government, and argued for the separation of Blacks and Whites in political life (Louw 1986:33).

In 1905, Milner was recalled to England and some of the colonies were granted "self-government". A National Convention was called in 1908
to decide whether the colonies should form a union or a federation (Louw 1986:33).

2.2.4.1 THE NATIONAL CONVENTION AND THE DRAFTING OF A CONSTITUTION

Both the government and the opposition parties of the four colonies were represented at the National Convention. No Blacks, Coloureds or Indians were present. After some lengthy deliberations all the delegates signed the draft South Africa Act on the 11th May 1909. White South Africans gave overwhelming support to the Act, but virtually all politically conscious Non-whites objected to the provisions which concerned them, such as the question of franchise rights for Blacks, Coloureds and Indians (Muller 1967:375).

Black delegates from all four colonies attended a "South African Native Convention" which opened in Bloemfontein on 24 March 1909. The Cape Coloured Association and the African Political Organization (APO) had held a protest meeting in the Cape Town City Hall on 5 March 1909 and a conference in Cape Town in April 1909. Both the Black and Coloured congresses had decided to appeal to the British government to change the Non-white franchise provisions of the Act.

W.P. Schreiner led a deputation of Black and Coloured leaders to London but they did not succeed in their purpose (Muller 1969:376). Although the colour-bar restrictions were criticized in the British
parliament, and the Prime Minister, H.H. Asquith, solemnly appealed to South African statesmen to modify the restrictive franchise provisions, the bill was passed without any amendments (Muller 1969:376). The Union of South Africa came into being on 31 May 1910.

2.3 UNION OF SOUTH AFRICA (1910-1961)

The period after the formation of the Union of South Africa from 31 May 1910 to 31 May 1961 is known for its numerous Acts of Parliament with regard to the administration, control and governing of the affairs of Blacks. It was during this period that Acts intended to define certain parts of South Africa as Black Areas were enacted. The Native Land Act of 1913 was one of the first steps aimed at achieving territorial segregation or separation between Blacks and Whites.

Certain Acts such as the Black Authorities Act, 1951 (Act No 68 of 1951), were aimed at creating institutions that would enable the various Black tribes of South Africa to administer their own affairs within the Black areas. The language factor played an important role when classifying Black tribes into ethnic or national units, which later formed the basis for the establishment of the National States or Homelands of today.

In terms of Section 14 of the South Africa Act of 1909, a Department of Native Affairs was created with the purpose of incorporating the
similar departments of the four colonies into the new Department of Native Affairs (South Africa Act 1909). The control, administration and the proclamatory powers in respect of all Blacks in South Africa were vested in the Governor-General. The land reserved for Black locations was also vested in the Governor General (South Africa Act, 1909, Section 147).

Before discussing different laws on land and Black administration which brought about the establishment of Homelands, a brief description of apartheid and separate development ideology will be provided. Lebowa is the outcome of this ideology.

2.3.1 THE IDEOLOGY OF APARTHEID OR SEPARATE DEVELOPMENT

Although separatism in one form or another has constantly characterised relations between the colour groups since earliest contacts in South Africa, there have been some important shifts in both the justification and the aims of the Whitemen's ideology in respect of relations between colour groups (Hugo 1982:346).

Traditionally, South African racial policy has reflected the determination of white South Africans to retain all political power and to prevent economic competition from the indigenous Blacks. Whites came to believe that these goals could best be attained through radical residential segregation, which guaranteed economic privileges to
Whites by compelling Blacks to develop along their own lines within their own areas (Moodie 1975:260).

In their attempt to understand and to explain the determinants underlying the structure of intergroup relations which gave birth to the separate development policy in South Africa, Hugo and Kotze (1983) emphasised the influence of factors such as the cultural differences of Whites and Africans; the physical differences (especially skin colour) between racial groups; economic factors, e.g. the economic competition over scarce resources such as land; miscegenation, which may lead to the assimilation of coloured blood and ultimately, national and cultural suicide; the factor of fear on the part of Whites (Rhoadie and Venter 1960:190). "An emotion without which the idea of apartheid would probably never have been realized is fear" (Hugo & Kotze 1983:6-12).

It is necessary at this stage to mention that, by the time the Nationalists came into power in 1948, the apartheid policy was already integrated into the South African political and socio-economic system. Therefore, the present government inherited a legacy of race laws which it subsequently enhanced and refined (Louw & Kendall 1986:31).

Separate development (or apartheid as it was commonly referred to) could not, prior to the forties and the advent of the National Party electoral victory in 1948, be described as a fully articulated ideology. The essence of this emergent ideology was the need for
White survival and the formation of the Afrikaner identity in pursuit of which it was felt that while the existence of segregation was to be maintained it should also be extended, particularly in the political sphere, to the point of complete territorial separation between Black and White (Moodie 1975:260-261).

The following statement by the National Party spokesman, Dr. N. Diedericks on the eve of the 1948 general election, may for purposes of clearer understanding, be regarded as the fundamental ideological underpinning of the policy of apartheid (Gregor 1968:264):

What is at issue between the United Party and the National Party is two outlooks on life, fundamentally so divergent that a compromise is entirely unthinkable. On the one hand we have nationalism which believes in the necessary existence of distinct peoples, distinct languages, nations and cultures, and which regard the fact of the existence of these peoples and these cultures as the basis of its conduct. On the other hand, we have liberalism and the basis of its struggle is the individual with his so-called rights and liberties.

The former outlook, which emphasises the concept of nationalism was more attractive to Whites who subsequently voted the National Party into office. It is this stress on a collectivism which may be seen as the central ideological tenet of apartheid and later separate development. Apartheid and
separate development may be said to have laid claim to the status of an ideology when some intellectuals substantiated it by formulating a coherent programme aimed at providing a solution to the race relation problem in South Africa.

According to Hugo (1982:351), a careful study of the books of these intellectuals revealed a fundamental rejection of the individual as an appropriate unit of analysis for both scientific and philosophical inquiry and national policy formulation (Cf. Cronje 1945 and 1947; Du Preez 1959; Coertze 1943 and 1959; and Kotze 1962).

On the strength of the writings of these early theoreticians of apartheid, a practical political solution had to be found and the answer was seen to be in the application of vertical apartheid. This earliest formulation of apartheid, sometimes referred to as petty apartheid, concentrated on separation between White and Black as racial groups (Davenport 1989:542).

However, it was only towards the 1948 general elections, that some writers departed from race as the exclusive organizing principle of political policy by referring to the ideal solution to South Africa's racial problems as being the territorial separation of diverse groups including Black communities who were distinguished from each other by ethnic difference. Each of these ethnic groupings should, so it was felt, be permitted to pursue its own socio-economic evolution and develop its own form of government (Cronje 1947:155).
This new vision of South Africa formed part of the National Party's election manifesto, and an electoral majority of the White people shared this view on the eve of the 1948 general election (Rhoadie 1969:55). The National Party won the election and the stage was set for the practical implementation of the apartheid ideology.

Analysis of "positive apartheid" is complicated by the fact that the National Party came to power on the appeal of defensive or "negative apartheid". During the first ten years of the National Party's rule, most of the apartheid legislation passed by the party involved the careful and full legal definition of apartheid which had long been an integral part of the South African way of life. These laws set specific limits to racial contact in housing, education, employment, sport and entertainment, sexual relations and social amenities.

The ideological principles of this doctrine of "positive apartheid" or "the theory of separate development" as Dr. Verwoerd called it, were concisely encapsulated in the policy statement of Mr. M.D.C. de Wet Nel, the Minister of Bantu Administration and Development, made when he introduced the Promotion of Bantu Self-Government Bill before the South African House of Assembly in May 1959 (R.S.A.: Hansard, May 18, 1959, columns 6001-6002):

The philosophy of life of the settled White population in South Africa, both English-speaking and Afrikaans-speaking in regard to the racial problem rests on three main basic principles. The first is that God has given a divine task
and calling to every people in the world, which dare not be destroyed or denied by anyone. The second is that every people in the world, of whatever race or colour, just like every individual, has an inherent right to live and to develop. Every people is entitled to the right of self-preservation. Thirdly, it is our deep conviction that the personal and national ideals of every individual and of every ethnic group can best be developed within its own national community. Only then will the other groups feel that they are not being endangered. This is a divine task which has to be implemented and fulfilled systematically.

The ideological context of the revolutionary aspect of apartheid theory is, therefore, not simple racism, but ethnic and cultural differences, which are so crucial to Afrikaner Christian Nationalism, and had a major impact on this ideology (Moodie 1975:266). This reflect differences between the old form of apartheid which did not envisage any form of self-government or independent states (Prime Ministers Malan and Strijdom until 1958) and the new form of apartheid (separate development) formulated by Verwoerd. In conclusion, Mr. de Wet Nel summed up his statement as follows: "We grant to the Bantu, what we demand for ourselves" (R.S.A.: Hansard, May 18, 1959, column 6023). In a nutshell, this statement reflect the new intentions and direction of the separate development ideology under the leadership of Dr. Verwoerd.
In conclusion, apartheid or separate development could be divided into petty apartheid and grand apartheid. Petty apartheid was specifically aimed at social segregation in areas such as public amenities, education, sexual relationships and residential areas. Grand apartheid was the geographical balkanisation of the country into trust areas, Homelands and later National States with the aim to redirect the political activities and aspirations of Blacks or Africans away from the political centre. Lebowa was part of this design.

In the following sections the creation of grand apartheid is traced by focusing on the most important legislation through which it was implemented. Two distinct phases can be identified: the first phase before 1958, and the second thereafter. During the first phase the aim of the policy of apartheid was to create separation within the context of one South Africa. The policy of separate development since 1958, however, envisaged the separation of South Africa as a state and the creation of self-governing Homelands which would later become independent Black states. Lebowa was a manifestation of this geographical separation which was intended to result in an independent state. However, Lebowa opted to remain a self-governing territory within greater South Africa.
2.4.1 ACTS ON LAND AND BLACK ADMINISTRATION

2.4.1.1 BLACK LAND ACT, 1913 (ACT 27 OF 1913)

The Black Land Act, 1913 was one of the first steps taken to achieve territorial segregation or separation between Blacks and Whites. The areas belonging to or traditionally occupied by Blacks in 1913 and in subsequent periods were defined in this and a number of subsequent Acts.

This Act made provision for the delineation of the areas occupied exclusively by the Blacks as well as for the purchasing and leasing of further land for use by Blacks. Section I (1) of the Act states that no person who is not a Black can be granted rights in a Scheduled Black Area and conversely, that no Black can acquire or obtain land outside the areas (Marais 1985:52).

The Black Lands (Natal and Transvaal) Release Act, 1925 (Act 28 of 1925), and the Black Lands further Release and Acquisition Act, 1927 (Act 34 of 1927), added or removed certain areas from the already scheduled Black areas.

Although the Act applied to the whole of South Africa, in practice, it was relevant only to the Transvaal and Natal. The Free State already had legislation prohibiting the sale of land to Blacks (Ordinance 5 of 1876) and in the Cape property ownership was a quali-
fication for Black franchise rights which were entrenched in the constitution of the Union, so the Act did not apply there.

All the Black leaders objected to the Act. The African National Congress sent two deputations to the South African government and one to the British government protesting the bill, but the British were not prepared to intervene (Louw & Kendall 1986:35).

In protest against this Land Act, Professor Jabavu said the following on behalf of the Blacks (Olivier 1927:106):

This Act satisfied no one. The natives naturally objected to the restriction of their right to purchase, and the Europeans were unwilling to have their farms set aside for native occupation. On the contrary, the evictions of native tenants who have nowhere to go have been rigorously carried out by the farmers with harrowing results.

It is important to note that Schedule III (Transvaal) of this Act defined Black Areas in the Transvaal that later had a bearing on the areas now constituting the National State of Lebowa (Pheme 1983:19). These areas are tabulated in Annexure A to this chapter.
This Act provided for the establishment of a South African Development Trust and defined its purpose. The Act further envisaged the acquisition of an additional 6.2 million hectares for incorporation into the Black areas (Section 4).

The Development Trust and Land Act was supplemented by various amendments and proclamations which enabled the Governor-General to control every aspect of the Black economy including business, farming, building, townships, land tenure and tribal authorities (Louw & Kendall 1986:41).

The South African Development Trust represented a merger of the Natal Development Trust, the Zululand Development Trust, the Orange Free State Imperial Grant-in-Aid and Black Development Account (Development Trust and Land Act). All state-owned land in the proclaimed Black areas was vested in the Development and Land Trust. As the name indicates, the Trust had to acquire land for Blacks and to develop it for the benefit of the Blacks in those areas.

Part III of the first schedule to this Act defined the released areas for the Transvaal, and some of these areas form part of the present National State of Lebowa.
2.4.1.3 BLACK ADMINISTRATION ACT, 1927 (ACT 38 OF 1927)

The administration of various functions in the areas reserved for Blacks was outlined by the Black Administration Act, 1927. The various Acts of the colonies, prior to unification, dealing with the administration of Blacks were consolidated in this Act. Section I of this Act reaffirmed that the Governor-General should be the Supreme Chief of all Black tribes and, in terms of Section 3, he could appoint or depose a Chief (Traditional Leader) of a Black tribe. Section II provided for the appointment of a Chief Native Commissioner, as well as Assistant Commissioners. Provision was also made for the establishment of a Commissioner's Court, with various criminal and civil divisions (Marais 1985:53).

It was by the virtue of powers vested in the Governor-General in terms of Section 3 of this Act, that additional Chiefs (Traditional Leaders) were appointed, and this factor had an effect on the creation of the Lebowa National State later, as will be shown.

2.4.1.4 BLACK AUTHORITIES ACT, 1951 (ACT 68 OF 1951)

Venter summarized the intention of the Act as follows (quoted in Basson et al 1988:309):

The Bantu Authorities Act of 1951 is the new approach regarding the government of Blacks in South Africa. The British
colonial ideas of inculcating an appreciation for liberal democracy in the people of Africa were discarded, and a system of self-rule by rural Black communities according to their traditional equivalents of public law was taken as the point of departure.

According to Wiechers, this Act provided the necessary foundation for the future development of self-governing Black Homelands or National States as recommended in 1980, but it is important to note that the Act only established a specific management system and that there was still no evidence of separate Homelands or even separate ethnic groups at the time of its promulgation. Furthermore, this Act served to facilitate and place the administration of Black areas as determined by the Development Trust and the Land Act of 1936 on traditional principles (Wiechers 1985:438).

The Act also provides for the establishment of different levels of government in the Black Homelands, with the aim of providing a core of government institutions in these Homelands. The following institutions were created by proclamation for the Black Tribes in South Africa:

(a) A Tribal Authority was established for each tribe to administer the affairs of the tribe, render assistance and guidance to its Chief or headman, advise and assist the Government and the Regional Authority, and to perform such other functions and duties to be determined from time to time by the Gover-
nor-General prior to 1961, or the State President thereafter (Section 4).

(b) A Regional Authority combining two or more Tribal and/or Community Authorities. The Regional Authorities were vested with powers, functions and duties of a more advanced nature (Section 9).

(c) A Territorial Authority in respect of any two or more areas for which Regional Authorities were established. This is the main legislative authority for a particular national unit or ethnic group, although with limited legislative powers. The Territorial Authority was expected to liaise with the Commissioner-General appointed for each area and to serve the Commissioner-General with advice. The Commissioner-General represented the South African Government in the area. It could generate a revenue fund for that Authority which fund was subject to audit by the Auditor General (Section 11).

2.4.1.5 PROMOTION OF BLACK SELF-GOVERNMENT ACT, (ACT 46 OF 1959)

In 1954 the Tomlinson Commission of Inquiry into the socio-economic development of the Bantu areas within the Union of South Africa, identified and recommended to the government that seven Homelands for various Black ethnic groups within the borders of South Africa in
which the different groups are located, had to govern themselves to an increasing extent (quoted in Basson et al 1984:310).

The recommendations were accepted by the government and put into practice through an enactment of the Promotion of Black Self-Government Act, 1959.

This Act changed the overall picture and the image of the system of traditional government as introduced by the 1951 Bantu Authorities Act, and the ethnic diversity of the Black people in South Africa was acknowledged. These ethnic groups were divided into eight units (Wiechers 1985:438).

In short, the 1951 Act aimed at placing the administration of Black areas on a traditional foundation without any intention of granting them any form of self-government, while the 1959 Act laid the foundation for the ultimate creation of self-governing Black areas on an ethnic basis. These differences reflect the difference in policy of the National Party under Malan and Strijdom until 1958 and from 1958 under Verwoerd as indicated in the discussion of the ideology of separate development in this chapter. The Transkei took a leading role in this constitutional process of self-government intended to lead ultimately to full independence (Wiechers 1985:439).

This Act provided for the gradual development of self-governing Black National States, and it repealed the Black Representation Act of 1936, thereby removing the last vestiges of the indirect representa-
tion that the Blacks had in the House of Assembly and Senate of the Republic of South Africa. It also amended Acts such as the Black Administration Act, 1927, the Development Administration Act, 1936, and the Black Authorities Acts, of 1951.

The objectives of this Act as contained in the preamble thereto, may be summarised as follows:

(a) The Black peoples of South Africa are not a homogeneous race, but comprise national or ethnic units on the basis of language and culture.

(b) The welfare of those units is to be sought within each unit and a gradual development towards self-government of each unit ought to be effected.

(c) The development of self-government will be stimulated by granting the Territorial Authorities the right of control over the land of their areas.

(d) Further powers, functions and duties should be extended to Regional and Territorial Authorities.

The Lebowa Territorial Authority consisting of Northern Sotho-speaking tribes was one of the ten National or Ethnic Units identified in terms of this Act.
2.5 REPUBLIC OF SOUTH AFRICA, 1961

The Union of South Africa became the Republic of South Africa on 31 May 1961 (Republic of South Africa Constitution Act 32 of 1961, Section 1). The South African government's policy of separate development for Whites and Non-whites was accelerated in the period after the formation of the Republic.

In January 1962, Dr. H.F. Verwoerd, then South African Prime Minister, announced in the House of Assembly that a measure of Bantu (Black) self-government would be introduced into the reserves, and that this heralded the start of their future development as separate states. In 1967 the South African Parliament approved a record R490 million in the second five-year development plan for the ten Bantu (Black) Homelands, including Lebowa (Muller 1975:456).

2.5.1 ESTABLISHMENT OF THE TERRITORIAL AUTHORITY FOR THE NORTHERN SOTHO NATIONAL UNIT

In terms of the Black Authorities Act, 1951 provision was made for a uniform system of local, regional and central government in the form of tribal/community, regional and territorial authorities in the Black areas. They were administrative bodies based on Western and traditional principles. Arising from this, the Lebowa Territorial
Authority was established on the 10 August 1962 (Proclamation R224 of 1962) for the North Sotho Ethnic and Cultural Unit.

The Territorial Authority consisted of a chairman and one-third of the members of the twelve various Regional Authorities within Lebowa as follows:

(a) Sekhukhune Regional Authority with 57 Tribal Authorities.

(b) Mokerong Regional Authority with 10 Tribal and 2 Community Authorities.

(c) Nebo Regional Authority with 14 Tribal and 1 Community Authority.

(d) Thabamoopo Regional Authority with 13 Tribal and 1 Community Authority.

(e) Seshego Regional Authority with 4 Tribal and 1 Community Authority.

(f) Mapulaneng Regional Authority with 9 Tribal Authorities.

(g) Bolobedu Regional Authority with 2 Tribal and 1 Community Authority.

(h) Naphuno Regional Authority with 5 Tribal Authorities.
(i) Namakgale Regional Authority with 4 Tribal Authorities.

(j) Sekgosese Regional Authority with 5 Tribal and 2 Community Authorities.

(k) Bochum Regional Authority with 2 Tribal and 1 Community Authority.

(l) Moutse Regional Authority with 3 Tribal and 3 Community Authorities.

On 31 December 1985, the South African government incorporated the Moutse Region into KwaNdebele (Proclamation R227 of 1985). The Appeal Court, however, declared this incorporation null and void.

The powers, functions and duties of the Lebowa Territorial Authority were outlined in a set of regulations as provided for in Section 7 of the Black Authorities Act, 1951. These regulations were published in Proclamation R115 of 1969.

The Lebowa Territorial Authority was reconstituted on 14 August 1969 and executive powers were vested in an Executive Council of six Councillors. A civil service of six departments was established, with each of the Councillors responsible for a government department (Proclamations R114 and R115 of 1969).
2.5.2 **BLACK STATES CITIZENSHIP ACT, 1970 (ACT 26 OF 1970)**

The purpose of this Act was to confine the citizenship rights of all Blacks within the boundaries of South Africa to the respective National States (Section 3). This Act stipulated that the former Black reserves would be referred to as National States.

According to this Act, every person in the Republic of South Africa who was not a citizen of an independent Black state like Transkei, Bophuthatswana, Venda and Ciskei, had citizenship of a National State such as Lebowa (Basson et al 1988:340).

The National States Citizenship, 1970, stipulated the conditions on which a Black person could qualify for citizenship of a particular National State:

(a) birth in the area or at least one citizen-parent; or

(b) five years domicile in the area; or

(c) language proficiency in the language spoken by the Black population of the area; or

(d) blood relationship with a member of the Black population in the area; or
(e) identification with the part of the Black population of the area; or

(f) association with the part of the Black population in the area because of a specific cultural or racial background; or

(g) a former citizen of one of the independent TBVC countries who was also formerly a South African and a Homeland citizen and to whom citizenship of a Homeland has been granted by the Minister of Cooperation and Development on the recommendation of the Homeland government concerned, and this person then becomes a South African citizen again by birth (Section 3).

Use of the term "citizenship" in respect of regions or entities such as Lebowa which are not independent states, is not acceptable in a constitutional law sense. Citizenship implies the existence of a state. Citizenship of a Black National State does not, however, entail the loss of South African citizenship (Basson et al 1988:340).

2.5.3 BLACK STATES CONSTITUTION ACT, 1971 (ACT 21 OF 1971)

Under the premiership of Mr. B.J. Vorster (1966-78), the Black States Constitution Act, 1971 was enacted with the aim of providing for the establishment of Legislative Assemblies and Executive Councils in Black National States. This Act further provided for the powers, functions and duties of such Legislative Assemblies and Executive
Councils, including the declaration of the territories as self-governing States.

The first phase of this process as outlined in chapter I of the Act provides for a "system of self-government in Black areas" by creating the procedures for the institution of a Legislative Assembly and Executive Council in any area that already has a territorial authority.

During this stage of development, certain restrictions were placed on the legislative powers of these Legislative Assemblies. The State President of the Republic of South Africa received powers to either approve or disapprove any Act passed by such a Legislative Assembly and such Act was not allowed to be in conflict with an Act of the South African Parliament (Basson et al 1988:316).

The second or developed phase of self-government is outlined in chapter 2 of the Act (Sections 26-36). Provision is made for self-government to the same extent as the Transkei had after 1963. The provisions regarding the symbols of statehood like a flag, national anthem, official language and the institution of a Cabinet consisting of Ministers, are made in this second phase (Wiechers 1985:440).

The Legislative Assembly of a National State can amend or repeal Parliamentary Acts of the Republic of South Africa on subjects within its jurisdiction as tabulated in Schedule 1 of this Act, and can enact laws with extraterritorial operation (Basson et al 1988:317).
Subjects upon which the Legislative Assembly of a National State such as Lebowa may legislate are tabulated in Schedule 1 of the Act while matters reserved from legislation by such Legislative Assemblies are listed in section 4 of the Act.

This Act also amended the Black Authorities Act of 1951, and certain definitions in the National States Citizenship Act, 1970 (Schedule 2).

2.5.4 PROCLAMATION OF THE LEBOWA LEGISLATIVE ASSEMBLY

On 1 July 1971, the Lebowa Legislative Assembly with limited legislative powers was established in terms of the provisions of chapter I of the National States Constitution Act, 1971, by the State President of South Africa through Proclamation R156 of 1971. The Lebowa Legislative Assembly was granted jurisdiction over all the areas of the Regional Authorities listed in paragraph 2.4.1 of this chapter.

2.5.5 ESTABLISHMENT OF THE SELF-GOVERNING STATE OF LEBOWA IN ITS PRESENT FORM

The State President, by virtue of powers vested in him in the Black States Constitution Act of 1971, declared the area described in the schedule to Proclamation R156 of 1971 under the name Lebowa to be a
self-governing State within the Republic of South Africa with effect from 2 October 1972 (Proclamation R225 of 1972, Section 2).

The seat of the Lebowa Government was declared to be Seshego until such time as the new capital, Lebowakgomo, was fully developed. A partially elected, partially designated legislative assembly was convened for a period of five years but could be dissolved at any time by the State President by proclamation on request of the Lebowa Cabinet (Proclamation R225 of 1972, sections 2 and 3).

Executive power vested in the Cabinet, comprising the Chief Minister and eight Ministers appointed from the ranks of the Legislative Assembly. The Cabinet Ministers (including the Chief Minister), are each the political head of one of the following government departments:

(a) Department of the Chief Minister;

(b) Department of Home Affairs;

(c) Department of Justice and Police;

(d) Department of Education;

(e) Department of Agriculture and Environmental Conservation;

(f) Department of Works and Public Utilities;
During the period 1983-1988, the number of government departments and Cabinet Ministers was changed. The Department of Police was separated from that of Justice, and a new Department of Law and Order formed with its own Minister. The Department of Economic Affairs was also separated from that of Finance. A Minister was appointed for this new department. The Lebowa Cabinet, therefore, presently - 1990 - comprises 10 Cabinet Ministers (including the Chief Minister) and 10 deputy Ministers.

Election of members of the Lebowa Legislative Assembly is regulated by the provisions of Lebowa Electoral Proclamation, 1972 (Proclamation R226 of 1972). The delimitation of constituencies corresponds to the magisterial districts of Lebowa (R226 of 1972).

The National State of Lebowa has its own revenue fund, into which is paid all revenue accruing to Lebowa and all grants from the South African central government. All revenue is appropriated by the Legislative Assembly for the administration of Lebowa (Act 21 of 1971, Sections 6-8).
2.6 LEBOWA'S POLITICAL STANDPOINT WITH REGARD TO FUTURE CONSTITUTIONAL DEVELOPMENT

The Black States Constitution Act, 1971 (Act 21 of 1971) empowers the South African Government to grant full independence to any self-governing territory within the Republic of South Africa. The Transkei was the first territory to complete the process envisaged in this and the other laws referred to above, and achieved independence on 26 October 1976. Subsequently, three other self-governing territories namely, Bophuthatswana, Venda and Ciskei also opted for, and achieved full independence.

Like other self-governing territories such as Kwazulu, Qwaqwa, Gazankulu, and Kangwane, the Lebowa self-governing territory is against full independence as envisaged by the Black States Constitution Act, 1971.

The late Chief Minister of Lebowa, Dr. C.N. Phatudi, advanced the following reasons in support of his stand against the option for full independence on behalf of his people:

(a) The loss of South African citizenship by Lebowans after securing independence, is unacceptable. "We are in every way South Africans - as much as any White man - and we simply will not reject our birthright. No matter what incentives offered to us, there is no way that we will break away from
the land of our birth. The issue is simply non-negotiable" (Dr. Phatudi quoted in Cooper 1985:40).

(b) There is no prospect of international recognition for independent states within the Republic of South Africa. The self-governing States (Homelands) are perceived to be products of the South African policy of separate development which is anathema to the international community. Establishing an independent Homeland would, therefore, imply support for the separate development policy or apartheid (Lebowa Legislative Assembly Verbatim Report, Volume 19, Part I, 1985 session, 29 April 1985:14).

In 1971 a resolution was passed by 110 votes to 2 in the General Assembly of the United Nations stating that "the real purpose of establishing Bantustans" (Black National States) was to divide Blacks, setting one against another with a view of weakening the Black front in its struggle for its inalienable rights. In every subsequent year South African policy with regard to Black National States has been condemned by the General Assembly (Ciskei Commission, The Quail Report 1980:120).

(c) Blacks are not seeking a political system based on tribal or racial separation. In the words of the Chief Minister of Gazankulu, Professor Hudson Ntsanwesi (Ciskei Commission, The Quail Report 1980:116):
One of the most frequent delusions to which Afrikaner nationalism, as propounded by the present government, falls prey, is the belief that the Black man in fact welcomes the opportunity of running his own affairs in his own Homeland and that he accepts the philosophical soundness of apartheid and the concept of the "andersoortigheid" (otherness) of the other man. Whereas we are all proud of our linguistic, culture and ethnic differences, the belief that our salvation lies in the perpetuation of those differences defies logic and the lessons of history.

In view hereof, the National State of Lebowa, through its former leader, the late Dr. C.N. Phatudi, envisaged a federation comprising the self-governing states and the so-called White South Africa, much along the lines of the United States of America. This is not identical to the concept of a "constellation" of states proposed by the former South African State President P.W. Botha in which a number of independent satellite states would be centred around a dominant White South Africa.

Dr. C.N. Phatudi proposed a method of powersharing which retained a measure of separateness (as sought by the South African government) at the lower levels of government, but introduced Black and White representation at the federal level. Obviously this federal concept needed to be examined in detail by appropriate commissions, possibly
by a National Convention, and by political scientists and constitutional experts. Failing this, Lebowa preferred a preservation of the status quo in which it would remain a self-governing state within the Republic of South Africa.

A change of policy regarding the constitutional future of Lebowa was introduced by the newly appointed Chief Minister of Lebowa Mr. N.M. Ramodike after various pronouncements on negotiations by the South African Government, particularly State President F.W. de Klerk's opening address in Parliament on February 2, 1990. In response to the challenge contained in the State President's address, Chief Minister Ramodike prepared a working document entitled "Declaration of the Black Homeland Leaders-Consultative Forum on the question of Negotiations in South Africa." The Chief Minister tabled the document in the Lebowa Legislative Assembly for discussion whereafter it was accepted with few amendments. It was also the Chief Minister's desire that the other independent and self-governing states in the Transvaal i.e. Gazankulu, Kangwane, KwaNdebele and Venda should identify themselves with the document. Consequently, provision was made in the document for the signatures of the leaders of these self-governing territories and independent states.

The first demand contained in the document was that the Bantustans or Homeland Legislative Assemblies be dismantled by the South African Parliament before the commencement of negotiations. The following principles are contained in the document:
(a) A single Parliament in a unitary, non-racial and democratic South Africa.

(b) One person one vote on a common voter's roll.

(c) Equality before the Constitution and the law.

(d) A multi-party democracy.

Furthermore, the declaration rejected:

(a) the tricameral parliamentary system as a failed experiment;

(b) racism as the corner stone of the Constitution and State;

(c) any negotiations aimed at giving acceptance to a united multi-ethnic Black South Africa;

(d) the notion that South Africa is a country of minorities;

(e) the notion of own and general affairs as a construct of apartheid rammed down Black throats for the benefit of Whites.

Consequently, the following programme of action was decided upon:
(a) To launch a Black Homeland leaders consultative Forum for the coordination of responses to the various efforts to settle the South African question.

(b) To consult with all political organisations regarding the question of negotiations.

(c) To take the constitutional debate and all ANC viewpoints to the grassroots, in line with the ANC Leadership statement that negotiations should not be conducted behind peoples' backs or above the peoples' heads.

(d) To study all constitutional options.

(e) That the present Bantustan administrative structures should be dismantled and that multiracial regional offices be established as an interim arrangement to prevent a vacuum in the rendering of services to the people.

Only Chief Minister Ramodike's signature appeared on the document at the time of its presentation to the Lebowa Legislative Assembly. It is therefore strongly believed that Lebowa's political standpoint with regard to future constitutional development will be greatly influenced by the viewpoints as contained in the said declaration, and the final outcome of the negotiations on its contents (author's observation).
2.7 CONCLUSION

The aim of this historical and constitutional exposition was to describe the evolution of the administration of Black affairs in South Africa from as early as the days of the migration of White farmers from the Eastern Cape to the North and North-East parts of South Africa. These events played a significant role in shaping the policy of separate development, which ultimately established the Black National States in South Africa.

Because of numerous clashes between Black tribes and White farmers, the various Republics in the Transvaal and Orange Free State made policies to remedy the highly dangerous and volatile situation.

Various Acts regarding Black locations and reserves, were enacted during the period of the Union of South Africa. These Acts and proclamations defined boundaries for respective Black National States and provided for the establishment of governmental institutions for these National States.

The implementation of these various Acts and proclamations took place during the republican period. It was this evolutionary process that brought about the creation of Tribal and Community Authorities, Regional Authorities, Territorial Authorities, and the Legislative Assemblies of self-governing States.
Furthermore, it is within this unique political framework that different styles of interest articulation, interest aggregation, rule-making, rule-application, rule-adjudication and political communication emerged among the people of the National State of Lebowa.
### ANNEXURE "A"

**EXTRACT OF ITEMS (1) TO (4) OF SCHEDULE III (TRANSVAAL) OF THE Black LANDS ACT, 1913 (ACT 27 OF 1913)**

<table>
<thead>
<tr>
<th>NAME</th>
<th>FARM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ki bi</td>
<td>(1) ZOUTPANSBERG</td>
</tr>
<tr>
<td>Legalie</td>
<td></td>
</tr>
<tr>
<td>Maake</td>
<td></td>
</tr>
<tr>
<td>Mabin allias Mamitje</td>
<td>Arthursrust, Unsurveyed Government Ground.</td>
</tr>
<tr>
<td>Machichaan</td>
<td>Location of Machichaan.</td>
</tr>
<tr>
<td>Mafefe</td>
<td>Government Ground near Haenertsburg.</td>
</tr>
</tbody>
</table>

**FARM**

1. ZOUTPANSBERG

- **Kibi**: Randolph, Witfontein.
- **Legalie**: Bergplaats, Brits, Doornloop, Driehoek, Rietfontein, Sterkwater
- **Maake**: Portion of Thabina Valley, Mamatzeeri, Marabona, Sunnyside, Rita, Moim.
- **Mabin allias Mamitje**: Arthursrust, Unsurveyed Government Ground.
- **Machichaan**: Location of Machichaan.
Mogoboya

Portion Thabina Valley, Yosemite, Long Valley, Uplands.

Makushane

Makushane's Location.

Malaboch


Molepo

Molepo's Location, Zamenloop.

Moletzie

Location of Moletjie, Vaalwater, Eerstgeluk, Opgaaf.

Mamabolo

Syferfontein.

Mashishimala

Mashishimala's Location.

Modjadji

Modjadji's Location.

Mathabatha

Government Ground near Haenertsburg. Lots 257 to 260.

Matoks

De Kaffersdrift, Portion Matoks, Klipbok, uitkyk.
<table>
<thead>
<tr>
<th>Location</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mothiba</td>
<td>Portion of Onverwacht.</td>
</tr>
<tr>
<td>Mphahlele</td>
<td>Location of Mphahlele, Dwaalkop, Vleiplaats, Pramkoppies, Stofpoort, Portion of Koppieskraal, Doornvlei, S.E. portion Molsgat.</td>
</tr>
<tr>
<td>Ramokgopha</td>
<td>Location of Ramokgopha, Matjesgoedfontein.</td>
</tr>
<tr>
<td>Sekororo</td>
<td>Bokhalva, Moltke.</td>
</tr>
<tr>
<td>Silwana</td>
<td>Silwana's Location.</td>
</tr>
<tr>
<td>Chuene</td>
<td>Location of Chuene.</td>
</tr>
</tbody>
</table>

2. WATERBERG

<table>
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<tr>
<th>Location</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bakenberg</td>
<td>Malokong, Malokonskop, Hellem Briksten.</td>
</tr>
<tr>
<td>Masibi</td>
<td>Vliegekrans, Vogelstruisfontein, Vriesland, Scoonoord, Portions of Bellevue, Inhambane, Mozambique, and Groningen, South portion of Haakdoorndraai.</td>
</tr>
</tbody>
</table>
Marcus

Portions of Groningen, Inhambane, Mozambique, Moordkopje, Molendraai, Commandodrift, Gezond, Knapdaar, Sandsloot, and Swartfontein.

Solomon

Kalkspruit, portion "A" of the farm.

Maraba

Bergzicht.

Valtyn

Macalacaskop, Turfspruit, Rietfontein,

Makapan

Portions of Sandsloot, Tweefontein, and Knapdaar.

Zebediela

Zebediela's Location.

Selika

Beauty, Lily.

Shongwane

Pic van Teneriffe.

3. MIDDELBURG

Magalie

Portions of Vlakplaats and Vooruitzicht, De Oude Stad van Sekwati, Lekkerhand.

Phokwane

Nebo, Rietfontein.
Rammupudu

Portion of Rietfontein.

Sekwatie

Mooifontein, Hoogelegen, Stad van Masleroem.

Sekhukhune

CHAPTER 3: INTEREST ARTICULATION

3.1 INTRODUCTION

The first functional step in the political conversion function is called interest articulation and is defined by Almond and Powell as: "The process by which individuals and groups make demands upon the political decision makers ..." (Almond & Powell 1966:73).

This is the processes by means of which opinions, attitudes, beliefs, and preferences are converted into meaningful demands in the political system (Roberts 1963:103-104). The following aspects of interest articulation with regard to the Lebowa political system will be discussed: interest articulation structures; the interest articulation process (that is, the variety of channels through which demands are articulated); and factors which influence articulation (that is, the environmental factors which shape the channels and means of access for interest articulation).

3.2 INTEREST ARTICULATION STRUCTURES

There are a variety of structures fulfilling the interest articulation function in any political system. Almond and Powell divide these structures according to two important components: the type of group that initiates articulation, and the kind of access channel
through which groups send their demands. Since there is no clear correlation between the two components, each one will be discussed separately (Almond & Powell 1966:74). Thereafter, some of the most important groups or units which may initiate interest articulation will be discussed.

3.2.1 INDIVIDUAL SELF-REPRESENTATION

The role and importance of individuals as articulators of their own interests should not be underestimated. "Such individual self-representation, commonly cast in the guise of the articulation of more general societal or group interests, is a common feature of political systems. It may take the form of seeking to influence political decisions for financial or professional gain, or it may involve the articulation of interests perceived as more noble in scope" (Almond & Powell 1966:75). This type of self-representation articulation structure is found at different levels of the political process. In the Lebowa political system it is found at the Local authority level, the Regional authority level, and the Central authority level.

3.2.1.1 INDIVIDUAL SELF-REPRESENTATION AT THE LOCAL LEVEL

The tribal system in Lebowa is designed to allow the tribesmen as individuals to articulate their own interests relating to the acquisi-
tion of certain rights and privileges. A good example hereof is the procedure leading to the acquisition of trading rights in Lebowa tribal areas and the proclaimed towns by individuals or corporate bodies. The Lebowa Business and Trading Undertaking Act, 1977, (Act 6 of 1977), and the Lebowa Intoxicating Liquor Act of 1973, make the necessary provision for individual self-representation by business applicants at the respective local authority levels.

In practice, recommendations to the licensing board (the Regional Authority), by the local authorities are usually made through individual self-representation in Lebowa (Seshego Regional Authority (SRA) minutes, 1984.02.23:13). In this regard, an individual articulates his or her own interests initially at the local level, by consulting with a Kgoshi of that tribe or with one of his councillors (SRA minutes 81/10/22:1).

3.2.1.2 SELF-REPRESENTATION AT THE REGIONAL AUTHORITY LEVEL

In terms of the Lebowa Business and Trading Undertaking Act, 1977, the Regional Authorities also act as licensing boards in all districts. In the event of objections or disputes arising from trading applications at the regional level, the concerned parties or individuals usually make self-representation to the Regional Authority and defend or support their articulated needs.
An example hereof is the instance in which the Seshego Regional Authority received a strong objection from one tribesman against another tribesman's application for a Cafe business. After having allowed both parties to state their views personally, the licensing board (Regional Authority) turned the objection down (Seshego Regional Authority minutes, 1981.10.22:8).

3.2.1.3 SELF-REPRESENTATION AT THE CENTRAL AUTHORITY LEVEL

Appeals against the decisions of local licensing boards on matters pertaining to business and trade licenses are lodged with the Minister of Home Affairs in Lebowa (Act 6 of 1977, section 17 (1) (a)). For example, on 20 July 1982, a citizen of Lebowa made self-representation to the Minister of Home Affairs and appealed against the Seshego Local Licensing Board's delay concerning his application for Cinema and Cafe licenses (Letter to the Home Affairs Minister, 82.7.20). In this way he articulated his needs personally and directly to the relevant Minister very successfully.

Another illustration of self-representation at the central level was mentioned in his reply to questions raised in the Lebowa Legislative Assembly on 1 May 1985, by the late Chief Minister of Lebowa Dr. C.N. Phatudi. He indicated that a Lebowa citizen from Mokerong district, who was not only an ordinary cattle farmer but also a breeder of pedigree cattle stock (Brahmans), had approached him personally about a dispute regarding his hired farm. The Group Areas Act, 1950 (Act
prohibited the Black farmer from owning or hiring land for any purpose in the so-called White proclaimed areas. The Chief Minister assured the Legislative Assembly that the cattle farmer presented his difficulties to him, and that the government was attending to these demands (Lebowa Legislative Assembly Verbatim Report, Volume 19, part I, 1985, 53). This is another good example of interest articulation through individual self-representation at the central level.

3.2.2 ANOMIC INTEREST GROUPS

Anomic interest groups are defined as "the more or less spontaneous penetrations into the political system from the society, such as riots, demonstrations, assassinations, and the like" (Almond & Powell 1966:75&76). In the United States, spontaneous political action occurred in many black areas after Martin Luther King's assassination and on many college campuses after the American invasion of Cambodia. Some political systems, including those of the United States, Italy, India, and the Arab nations, have been marked by a rather high frequency of such violent and spontaneous group formation, while others are notable for the infrequency of such disturbances (Almond & Powell 1988:68). The extent to which these anomic groups are active in the Lebowa will be discussed in section 3.3.1 of this chapter.
3.2.3 NON-ASSOCIATIONAL INTEREST GROUPS

Almond and Powell (1966:76) refer to non-associational interest groups as being "kinship and lineage groups, and ethnic, regional, status, and class groups which articulate their interests intermittently through individuals, cliques, family and religious heads, and the like".

There are two especially interesting types of non-associational groups. One is the very large group that has not become formally organized, although its members perceive, perhaps dimly, their common interests (Almond & Powell 1988:68). A good example is the consumer interest group, such as sorghum beer drinkers in Lebowa. For many years sorghum beer was brewed or manufactured by Kudu beer breweries situated in Pietersburg (a White Area) and distributed for sale freely into Lebowa. For purely economic reasons, the Lebowa Cabinet decided to allow the establishment of other sorghum beer breweries in Lebowa by other companies, namely: King Food (Lebowa) (Pty) Ltd., and the South African Breweries (Chibuku), (Cabinet Memorandum 146 of 1985 and Cabinet Decision 187 of 1985). Ultimately only the South African Breweries (Chibuku) succeeded in establishing a brewery in Lebowa.

The consumers in Lebowa were used to the Kudu product and even in favour of it and not the Chibuku product (Sowetan, 15 November 1989:3). As a result of the very low sales of Chibuku sorghum beer, the South African Breweries successfully requested the Lebowa
Government to prohibit the sale of all sorghum beer brewed outside the homeland of Lebowa (Sowetan, 15 November 1989:3).

A notice to this effect was published in a Government Gazette of 27 October 1989 and signed by the homeland's Minister of Justice. The proclamation states that the sale of "mabele beer (sorghum beer) other than mabele beer brewed or manufactured in Lebowa is prohibited" (Government Notice R24 of 1989.10.27). The ban simply meant that the Lebowa Government deprived the consumers their right of choice by permitting only Chibuku, manufactured and distributed by a South African Breweries subsidiary in Lebowa to be sold in Lebowa.

Although the sorghum beer consumer interest group in Lebowa is unorganized and without leadership base, their demands and complaints about this monopolistic decision of the government were successfully articulated through individual consumers to the Minister of Justice in Lebowa Government. The local press also played a significant role in transmitting these demands to the Government via the relevant Minister (Sowetan, 15 November 1989:3). The demand was that the government should review the ban.

A second type of non-associational group is the small village, economic, or ethnic subgroup, whose members know each other personally (Almond & Powell 1988:69). The traditional tribal structure in the Lebowa political system represents an appropriate example of this type of subgroup. The influence and role of traditional tribal structures in the Lebowa as non-associational groups is further enhanced
by the strategic constitutional positions held by their leaders (traditional Chiefs) in the Lebowa Legislative Assembly. The traditional villages are administered by the Kgoshi or Chief through his Headmen (Black Administration Act, 1927 (Act 38 of 1927, Section 2). Some of the Magoshi (Chiefs) in Lebowa have more than 60 of such villages under their jurisdiction (Kgoshi Moloto of the Moletjie Tribe and Kgoshigadi (female Chief) Modjadjie of the Bolobedu Tribe are good examples). The tribesmen in these traditional villages represent an example of a non-associational interest group.

The following is an example of this type of interest group functioning in Lebowa:

On the 20 January 1989, the residents of a small village called Ga-Makgakga, under Headman Makgakga within the Moletjie Tribe of Kgoshi Moloto, demanded through their village Headman, that certain oppressive traditional tribal practices be discontinued and reviewed by the Kgoshi and his Tribal Authority (Interview with David Makweya, Makgakga Village 1989.11.15). The main oppressive traditional tribal practice to which they objected was one that gives the Kgoshi the right to demand from and compel all female subjects within his or her area of jurisdiction, to render free unpaid farm labour annually to the Kgoshi (Moletjie Tribe; unwritten customary tribal laws). Traditionally, this practice is referred to as "Tshemo ya Moshate".
The hardship and suffering associated with this compulsory hard labour by female members of the tribe provoked ill-feeling among the tribesmen. The villagers further argued that it was unfairly exploitative for the Kgoshi to receive a monthly salary in terms of the Lebowa Royal Allowance Act 1984, (Act 3 of 1984), a second monthly salary from the R.S.A. Government termed a "Stipend", a third monthly salary from the tribe itself derived from individual tribal taxpayers, and to enforce compulsory farm labour upon poor female subjects of the tribe for self-enrichment (interview with Mr. David Makweya, Makgakga village, 1989.11.155).

These demands were articulated by a non-associational interest group composed of residents in a small village, through their traditional Headman to the Kgoshigadi and her Tribal Authority (interview: Mr. David Makweya, Makgakga village, 1989.11.15).

3.2.4 INSTITUTIONAL INTEREST GROUPS

According to Almond and Powell (1966:77) institutional interest groups are found in

... organizations [such] as political parties, legislatures, armies, bureaucracies, and churches. These are formal organizations, composed of professionally employed personnel, with
designated political or social functions other than interest articulation. But, either as corporate bodies or as smaller groups within these bodies, ... these groups may articulate their own interests or represent the interests of other groups in the society.

The Lebowa Legislative Assembly is an appropriate example of a formal institutional structure at the central level comprising 58 designated and 38 elected representatives (Lebowa Constitution Proclamation R225 of 1972, sections 2 & 3). As has been explained, the Lebowa Legislative Assembly is not a sovereign parliament, but a subordinate regional legislative institution within the Republic of South Africa. As a result, this body is sometimes compelled to articulate the interests of the Lebowa people to the South African Government, and cannot confine itself to legislation. The action taken by the Lebowa Legislative Assembly on behalf of the people of the Moutse district regarding the excision of Moutse from Lebowa is a good example.

When Lebowa became a self-governing territory in 1972, Moutse district was an integral part of it. In 1980 Moutse was excised from Lebowa and brought under the jurisdiction of central government (R.S.A.: Proclamation 210 of 24 October 1980; replaced by section 16 of Act 102 of 1983). However, the four representatives of Moutse in the Lebowa Legislative Assembly remained in office until 31 December 1985 when this representation was abolished (R.S.A.: Proclamation R228 of 31 December 1985). On the 31 December 1985, Proclamation
R227 was issued by the South African government purporting to incorporate Moutse district into KwaNdebele, evidently against the wishes of the majority of Moutse inhabitants (Race Relations Survey, 1985:284-286).

The people of Moutse and their leaders had consistently voiced their opposition to incorporation into KwaNdebele and exhausted all political and judicial avenues available to them to avoid such incorporation (Race Relations Survey, 1986:637).

It was against this background that the Lebowa Legislative Assembly decided to respond to the incorporation of Moutse into KwaNdebele by convening a one-day special session, attended by 18 busloads of Moutse villagers (The Star, 17 January 1986). In its attempt to articulate the interests of the people of Moutse, the Legislative Assembly resolved that:

(a) The decision by the South African Government to excise Moutse from Lebowa and to incorporate it into KwaNdebele be rejected;

(b) the Legislative Assembly demand a referendum to establish the wishes of the people of Moutse;

(c) the Commissioner-General of Lebowa be recalled until the Moutse issue had been satisfactorily settled;
(d) all public services for the people of Moutse must be provided for, that is: the issue of licenses, education services, health services, social and agricultural services, Law and Order services, justice and royal allowances including all subsidies intended for administration;

(e) the police functions for Moutse be removed from the KwaNdebele Government and revert to the South African Government;

(f) Godfrey Mathebe, a Moutse representative in Lebowa Legislative Assembly, be charged or released from detention together with Induna Mathebe and youth leader Baroka.

These demands were articulated and conveyed by the Legislative Assembly through its Speaker to the central South African government.

Agricultural co-operatives are another example of institutional interest groups in Lebowa. In 1980 the Lebowa government initiated the establishment of agricultural co-operatives through the Lebowa Co-operatives Act, 1980 (Act 2 of 1980). The object of this Act was to provide for the establishment, registration, management and dissolution of agricultural co-operatives in Lebowa and matters connected therewith (Preamble). Agricultural co-operatives established under this Act were granted legal personality to enable them to perform legal acts intended for the attainment of their objectives, the exercise of their powers and the carrying out of their duties and functions (Sections 3 & 4.2). Members of these
agricultural co-operatives (mostly farmers) have a very strong influence on the Government through their management committees. An agricultural co-operative was established in most Tribal Authority areas in Lebowa while the Tribal Authorities were also involved in their establishment. Agricultural co-operatives are therefore an important institutional interest group in Lebowa.

The Magoshi in the Lebowa Legislative Assembly also form a very significant institutional interest group. Of the 96 seats in the Lebowa Legislative Assembly, 58 are constitutionally reserved for the designated Magoshi. Their numerical strength therefore places them in a strong position to bargain effectively and to articulate their interests (author's observation).

The following incident illustrates this point. On 2 May 1984, the Chief Minister of Lebowa introduced the Royal Allowance Bill in the Lebowa Legislative Assembly for discussion and approval. The main purpose of the Bill was to authorise the Lebowa Government to make provision for the payment of a monthly royal allowance to all Magoshi who are not members of the Lebowa Legislative Assembly. The intention of the Government was to effect parity between the Magoshi serving as members of the Legislative Assembly and those not serving as members as the former are paid monthly salaries in terms of the Lebowa Payment and Privileges of Members of the Legislative Assembly Act, 1973 (Act 2 of 1973) (Lebowa Legislative Assembly Verbatim Report, volume 18, Part 1, 2 May 1984:53).
Nearly all Magoshi serving in the Legislative Assembly (except Cabinet members) opposed the Bill arguing that every Kgoshi should qualify for that royal allowance, regardless of whether he or she is a member of the Legislative Assembly or not. During the debate they proved to be very powerful as a group in articulating their demands.

Ultimately the Minister of Economic Affairs and Planning had to remind the Magoshi serving as members of the Legislative Assembly that the Rules of Procedure state that a member who has a pecuniary interest in any matter under discussion may not participate in a discussion of that matter (Lebowa Legislative Assembly Verbatim Report, volume 18, Part 1, 2 May 1984:56 – 57). This incident serves to illustrate the influence and the role of the Magoshi as an institutional interest group within the Lebowa Legislative Assembly.

3.2.5 ASSOCIATIONAL INTEREST GROUPS

Associational interest groups are specialised structures for interest articulation. They include trade unions, chambers of commerce and manufacturers' associations, ethnic associations, religious associations, and civic groups. Associational groups characteristically represent the expressed interests of a particular group, employ a full-time professional staff, and have orderly procedures for formulating interests and demands (Almond & Powell 1966:78).
According to Almond and Powell (1988:70):

... studies revealed that associational interest groups, where they are allowed to flourish, affect the development of other types of groups. Their organizational base gives them an advantage over nonassociational groups; their tactics and goals are often recognized as legitimate in the society; and by representing a broad range of groups and interests, they may effectively limit the influence of anomic, nonassociational, and institutional groups.

In the Lebowa political system, associational interest groups have proven to be more successful than any other type of interest group. The following categories are indicative of some of the associational interest groups established in Lebowa: Chambers of commerce and industry, trade unions, Civic associations, and Students' Organisations.

3.2.5.1 CHAMBERS OF COMMERCE AND INDUSTRY

While there are splinter traders' organizations confined to small villages, tribes and proclaimed towns in Lebowa such as The Seshego Traders Association, Molautsi Perekisi Traders Association, and Matlala a thaba Traders Association, the Lebowa Chamber of Commerce (LEBCOC) is the umbrella body for businessmen in the entire territory of Lebowa.
LEBCOC is one of the associational interest groups dominating the scene in Lebowa. Its President usually serves as a full member of the board of directors of the Lebowa Development Corporation, which is the economic development arm of the Lebowa Government, in terms of the Lebowa Corporations Act, 1984 (Act 16 of 1984 (The Lebowa Development Annual Report 1987:2). It is standard practice for the Lebowa Government to consult with the Chamber on any important legislation or issue affecting its members. The late Chief Minister of Lebowa Dr. C.N. Phatudi was even appointed as patron in chief of LEBCOC to enhance the chances of LEBCOC of securing direct access to the decision makers in the Lebowa Government. In his official opening address at the LEBCOC conference held at Mokopane on the 6 July 1985, Dr. Phatudi expressed his appreciation of the existing co-operation between his government and LEBCOC. He further congratulated LEBCOC for its continued struggle to improve the lot of Blacks along the difficult path of commercial and economic development. Finally, he pledged his government's support to LEBCOC projects including: the establishment of a branch of the African Bank in Pietersburg to serve the people of Lebowa, and the continuation of the already established Dr. A.M. Makunyane Scholarship fund for students in Lebowa. These utterances by the then head of the Lebowa Government demonstrate the effectiveness of the Lebowa Chamber of Commerce as an associational interest group. The articulation of its demands of the Lebowa Government is usually achieved through direct communication with Government Ministers or through the local press.
3.2.5.2 TRADE UNIONS

The 1979 Wiehahn Report heralded a significant restructuring of labour relations in South Africa and the self-governing territories such as the Lebowa. Important changes involved the official recognition of trade union rights for Blacks and the abolition of job reservation (Cooper 1983:104). There were 2,080,000 members in registered trade unions in 1988 and about 330,000 members in unregistered unions nationally. This represented about 42% of the workforce falling under the Labour Relations Act of 1956, or 22% of the economically active population in South Africa including the Black territories such as Lebowa (Race Relations Survey 1988/89:444).

Several trade unions operate and perform the interest articulation function in the Lebowa political process. These include the Congress of South African Trade Unions (COSATU) and its affiliates, the National Council of Trade Unions (NACTU) and its affiliates which includes the Commercial, Catering and Allied Workers' Union (CCAWUSA) and its affiliates, and the Media Workers Association of South Africa (MWASA) and its affiliates.

The following is an example of how trade unions are instrumental in interest articulation in Lebowa.

On 3 July 1987 the Transport and Allied Workers Union (TAWU) represented its members — who were employees of the Lebowa Transport Company and also citizens of Lebowa — at a meeting held in Seshego, then
the capital of Lebowa. Through its representative, TAWU articulated the following demands to the transport company stating that no one would return to work until these demands were met (Minutes of the meeting held at Seshego 3 July 1987):

1. The unconditional reinstatement of 9 employees discharged from central workshops.

2. Negotiations on a new main agreement with the Transport and Allied Workers Union must commence immediately.

3. A commitment by the company to approach the Minister of Police and Justice to have all employees who were detained released.

4. An undertaking that no disciplinary action would be taken against those detained and that their jobs would be guaranteed.

The Lebowa Transport Company is a subsidiary of the Lebowa Development Corporation, which is, in turn, owned and controlled by the Government of Lebowa (Race Relations Survey 1987/88:86; Minister of Home Affairs, Budget and Policy Speech, Lebowa Legislative Assembly 1990).

A week long strike by bus drivers of Lebowa Transport was staged in March 1990 arising from a dispute that started after employees of the
Company did not return to work on March 21 (Sharpeville Day) and a court case involving two former colleagues which took place during July 1987. All these workers were dismissed (Lebowa Times, 30.03.1990:3). According to a press release, the Transport and Allied Workers Union (TAWU) "confronted the Lebowa Transport Management with ten non work related demands as well as unfounded accusations of police action" (Lebowa Times, 30.03.1990:3).

From the above exposition it can be concluded that trade unions do play a significant role in the interest articulation function in the Lebowa political process. However, the Lebowa Government's attitude toward trade unionists is not always conducive to the promotion of healthy relations between the Government authorities and the trade unions. As a result, demands are not always freely articulated by the unions.

Two incidents which illustrate this state of affairs are described below. In June 1988 an inquest magistrate in Potgietersrus (Northern Transvaal) ruled that ten Lebowa policemen were responsible for the death in detention of a journalist and an active member of the Media Workers' Association of South Africa (MWASA), Mr. Lucky Kutumela who was killed in April 1986 (Race Relations Survey, 1987/88:632).

Delegates from Lebowa Transport also reported alleged opposition to unionism by the Lebowa administration: "The general secretary of the Transport and General Worker's Union (TGWU) claimed that ten members attending a union seminar in Phalaborwa (North western Transvaal) had
been assaulted by the Lebowa Police and many had been detained in 1986" (Race Relations Survey, 1987/88:635).

3.2.5.3 CIVIC ASSOCIATIONS

There are many civic associations performing interest articulation functions in the Lebowa political process. In nearly all the proclaimed towns in Lebowa, a civic association has been established by the residents. These include the Seshego Civic Association, Mankweng Civic Association, Mahwelereng Civic Association, Lebowakgomo Civic Association and many others.

The civic associations were, on the whole, established by the United Democratic Front (UDF) in pursuance of its policy of making apartheid unworkable and of rendering the country ungovernable. The civic associations serve as alternative informal structures to township councils, the councillors of which were forced to resign. Their functions ranged from crime control to the politicisation of residents regarding the illegitimacy of local authorities and the broader political struggle. They did, however, recognise the need for the execution of various administrative tasks such as refuse collection (Johnson 1988: 183-186).

In March 1990 the Lebowakgomo Civic Association (LCA) successfully organised an indefinite stay-away by Lebowa civil servants and scholars to pressurise the Lebowa Government to meet their demand for the
supply of books to all schools in Lebowa, the building of more classrooms and the employment of more teachers (Lebowa Times, 30.03.1990:3). The stay away by civil servants was suspended after nine days. An LCA spokesman said: "None of the demands have been met. The stay away was called off merely to co-ordinate the whole matter in order to affect the whole Lebowa homeland" (Lebowa Times, 30.03.1990:3).

As a result of these actions, ten people including six civic association leaders were detained. During a protest march demanding the release of those arrested, other civic leaders were detained while the first group was released (Lebowa Times, 30.03.90:3). This demonstrates the Lebowa Government's negative attitude towards the peaceful efforts of civic associations to freely articulate the demands of their members in Lebowa.

3.2.5.4 STUDENT ORGANISATIONS

Student organisations are generally very active in articulating interests or demands on behalf of students in Lebowa. The South African Students Organisation (SASO) (not in operation any more because of its banning in 1977), the Students Representative Councils (SRC's), the Students Christian Movement (SCM), the South African National Students Congress (SANSCO), the Congress of South African Students (COSAS) and others are operated effectively in this regard. For purposes of this chapter, the role of the Students Representative Coun-
cil (SRC) at the University of the North in the interest articulation function will be briefly discussed.

3.2.5.4.1 THE SRC AT THE UNIVERSITY OF THE NORTH

The SRC proved to be an important and effective mouthpiece in articulating the interests and demands of students. In April 1972, Mr. O.R. Tiro, President of the SRC and representing the students, made a speech after the annual graduation ceremony, in which he sharply attacked laws and the local government meets the obligations set by its basis of legitimacy. These bases of legitimacy set the rules for a kind of exchange in respect of inputs (articulated interests) and outputs (rule-making) between tribesmen and Tribal Authorities in Lebowa. In this way, the beliefs and attitudes of tribesmen influence the interest articulation process (author's observations).

The legitimacy of the Central Government, that is the Lebowa Legislative Assembly, as reflected by the attitudes compelled to reapply for selective readmission individually on the understanding that the SRC committee members including Mr. Tiro would be denied admission. The unrest continued and eventually led to the election of a new SRC in September 1973 with a revised constitution as insisted upon by the University Council.

Mr. Tiro departed the University and after teaching for a while in Soweto, he made his way to Botswana where he was killed on 1 February 1974 under mysterious circumstances in a parcel bomb explosion. A
memorial service attended by almost all students and black staff members was held for him on 17 February 1974 at the University (Wolfson 1976:16).

This sequence of events which culminated in the loss of life by some of the leaders of the SRC at the University of the North serves to illustrate the negative attitude adopted by the authorities towards the SRC in its role of performing the interest articulation function.

In another instance, the SRC organised students into a three day boycott of lectures on 9 April 1986 after a peaceful demonstration to mourn the death of a fellow student, Miss Josephine Mashobane, was broken up by the Lebowa Police who allegedly shot and wounded two students and injured several others with sjamboks (Sowetan, 10 April, 1986). After students had resumed classes for only three days, another boycott was staged which lasted for about three weeks to protest against the death in detention of Mr. Peter Nchabeleng, president of the Northern Transvaal region of the United Democratic Front (Race Relations Survey, Part 2, 1986:475).

During the University holiday in July 1986, the University authorities and the SRC met the Minister of Law and Order in the South African government, Mr. Louis Le Grange, to discuss the detention of students in terms of the state of emergency regulations. When the University reopened on the 21 June 1986, students continued to boycott lectures for four days to demand the release of detained students.
Ultimately, the Lebowa Police, the South African Police and the South African Defence Force were brought in to patrol the campus at the beginning of September 1986 (Race Relations Survey, Part 2, 1986: 475). The campus was patrolled on a 24-hour basis by the security forces, and anyone entering the campus had to produce proof of their identity (The Star, 5 March 1987). At the beginning of April 1987 the University campus was closed after students began to boycott lectures to protest against the presence of security forces. The campus was reopened on 21 April 1987 for the second semester (The Star, 22 April 1987), but at the end of the 1987 academic year, the security forces were still present on the University campus (The Sunday Star, 8 November 1987). In short, the government of Lebowa responded with pressure to the pressure exerted from below by the SRC. Inputs do not convert easily into outputs in circumstances such as these. It would appear that the SRC at the University of the North was considered to be guilty until proved innocent in the course of these events.

In March 1988 the students at the University of the North again staged a protest march singing freedom songs against the University authorities. The ever present University controllers tried to block the marchers. The male students retreated at their hostels and a "calm but tense" atmosphere prevailed. According to students, the trouble stemmed from the poor quality, cost and state of the food dispensed by the catering company at the University. The students
alleged that the food was either stale or rotten (Sowetan, 28.03.1988:6).

As a result, 80 per cent of the students were not eating at the University dining hall but instead preparing their own food in the hostels. The University was obliged, in terms of the contract entered into with students at registration, to refund to the students the cost of meals not taken in the dining hall. The students continued to use their hot plates for cooking in the hostels. Ultimately, the University closed the hostels because they were being "abused to disrupt academic programmes" (Sowetan, 28.03.88:6).

The University further stated in a circular that "the patience and flexibility of the University's authorities are being tested to the extreme on fictitious issues. This is unacceptable" (Sowetan, 28.03.88:6). This was the University's response to the manner in which students chose to articulate their demands.

In conclusion, it could be said that, although there are many associational interests groups in Lebowa, their influence and autonomy is limited, especially at the tribal level where traditional culture dictates channels of communication. This is in line with the remark once made by Prof. F.D. Holleman (1952:106) that the absence of free and unrestricted associational interest groups in tribal areas is noticeable.
This view is also confirmed by Kotze as follows: "For most tribesmen the formation of interest groups and voluntary associations was thus rendered unnecessary and superfluous" (Kotze 1968:205). Taking into consideration the fact that, in all but one of the districts in Lebowa, 75 to 92 percent of the population falls within the rural sector (Tribal areas), the effectiveness of associational interest groups is, by implication, limited in Lebowa. This tendency by tribesmen is observable in all rural areas in which the political culture is still of a parochial and subject nature (Department of Agriculture, Annual Report, 1981 to 1982:3).

Having discussed the structures performing the function of interest articulation in the Lebowa political system, it is equally noted that these structures are not fully identified by merely designating the various kinds of interest groups. It is therefore necessary to examine and determine the extent to which these groups may succeed or fail to penetrate the political decision making structure. The question of the process of interest articulation shall now be discussed.

### 3.3 ACCESS CHANNELS AND MEANS OF ACCESS

"The nature of the access channels for interest articulation in a given society are of great importance in determining the range and effectiveness of group demands" (Almond & Powell 1966:81). Because the question of channels and means of access is largely connected with political communication, some of the more detailed aspects of
these channels and means of access will be considered later in the discussion of the communication function. Only some of the most important general classes of access channels will be dealt with here (Almond & Powell 1966:81).

3.3.1 PHYSICAL DEMONSTRATIONS AND VIOLENCE

This section illustrates the activities of anomic interest groups in Lebowa and should be seen against the background of section 3.2.2 of this chapter. In their latest book: Comparative Politics Today: A World View (1988), Almond and Powell discuss physical demonstrations separately from violence. They maintain that protests, demonstrations, strikes, and other forms of non-violent, but dramatic and direct pressure on government are ways of interest articulation that may be legitimate or illegitimate, depending on the political systems and the actions of the demonstrators. The two authors further observe that the use of peaceful protest is more frequent in democratic systems than in non-democratic ones (Almond & Powell 1988:73).

They consider both violence and coercion as remaining possibilities for individuals and groups who feel that they are otherwise powerless. Such demonstrations or violent actions may be either spontaneous actions of anomic groups or, more frequently, an organized resort to an unconventional channel by organized groups (Almond & Powell 1988:74).
Acts of protest and collective violence are seen by most of the scholars who have written on the subject as closely linked to, and associated with, the character of a society and the circumstances that prevail within it. Theoretically, people will usually resort to violence if they believe it to be justified and potentially successful. Their propensity for violence increases if they believe their government to be illegitimate and the sole cause of their discontent (Almond & Powell 1988:75).

To determine the extent to which physical demonstrations and violence are resorted to as channels of access to the decision making bodies in the Lebowa political system, some of the incidents which actually occurred in Lebowa will be examined and discussed.

3.3.1.1 THE 1974 STUDENT UNREST AT THE UNIVERSITY OF THE NORTH

Whereas there had previously been signs of student dissatisfaction and opposition to government policies and actions of the University administration at the University of the North, the events of 25 September 1974, when a rally was held to celebrate the success of Frelimo in Mocambique by students in spite of a banning order, resulted in a conflict situation between the police and the students which necessitated the appointment of a one man judicial Commission of Enquiry (known as the Snyman Commission) (Government Gazette 4481, Notice 2051, 1 November 1974).
3.3.1.1.1 SYNOPSIS OF THE EVENTS BEFORE THE 25 SEPTEMBER 1974

An announcement was made by Muntu Myeza, the Secretary General of the South African Students Organisation (SASO), on 22 September 1974 in Durban, that celebrations would be arranged throughout the country (Lebowa included) in honour of, as the Commission put it, "the so-called successes of Frelimo in Mocambique". It was further stated that Frelimo leaders would be smuggled into the country as speakers (Wolfson 1976:26). The celebrations at the University of the North were scheduled for 25 September 1974.

The statement announcing the planned celebrations, which was given wide publicity in the press, contained a clear message of defiance of the authorities in South Africa with the obvious intention of whipping up the feelings of the nation, Black and White, and of creating a climate of confrontation. To prevent this threatening disturbance of the public peace, the South African Minister of Justice, by virtue of the powers vested in him by Section 2 (3) (b) of the Riotous Assemblies Act, 1956, (Act 17 of 1956), prohibited any gatherings "convened, supported or approved, or the attendance of which is encouraged or promoted, or in respect of which it is intimated or professed that it is convened, supported or promoted, by or on behalf of the South African Students' Organisation or the Black People's Convention", anywhere in the Republic (including Lebowa), up to and including 20 October 1974 (Government Notice 1769 of 25 September 1974).
In addition to the above mentioned Government Notice by the Minister of Justice, press releases and radio news programmes confirmed the prohibition of the gatherings. "In spite of the banning order imposed on pro-Frelimo rallies in the country as a whole, the students at the University of the North insisted on their right to hold such a rally" (Nkondo 1976:7-8).

3.3.1.1.2 EVENTS ON THE CAMPUS OF THE UNIVERSITY OF THE NORTH ON 25 SEPTEMBER 1974

Liberation slogans were placed on the road near the entrance to the campus, on posters placed on almost all campus buildings, and on windows and walls on the campus (Snyman Report, paragraph 6.3.1.). Annexure I of the Report lists 31 slogans which were placed on the campus. Among them were the following:

"The dignity of the Black man has been restored in Mocambique and so shall it be here".

"Frelimo fought and regained our soil, our dignity. It is a story. Change the name and the story applies to you".

"Down with Vorster! Up with Samora Machel !!!".

These slogans were used as instruments to articulate their demands not only as students, but also as part of the Black population.
On 25 September 1974 at about 14h20, after it was confirmed that the students were proceeding with the rally, the police moved onto the campus and arrived at the hall where the meeting was taking place armed with rubber batons, service revolvers, gas pistols, and police dogs (Snyman Report paragraph 6.3.11).

Students were then informed by a police officer by means of a megaphone that the rally was unlawful and ordered to disperse within 15 minutes. According to the Report (6.3.15), the result was "pandemonium", with shouting, yelling, bottle and stone throwing at the police by the students. Rubber batons were used and tear gas cartridges were fired by the police against the students.

The Rector of the University, after having been invited to the scene, negotiated with the Students Representative Council and the police. The latter undertook to withdraw on condition that the students dispersed. This was agreed to by the student leaders and the police left the campus after releasing two students who had been arrested. The students, however, did not disperse, and instead stones were thrown at the rector (Snyman Report paragraph 6.3.21).

The Report further states that, during that confusion, two White members of the University staff arrived separately and unwittingly at the campus. Their way was blocked by students who damaged both cars and injured one of the men (Snyman Report paragraphs 6.3.22 & 6.3.23). Two White technicians in another car were also attacked.
Their car was badly damaged and one man received facial injuries which resulted in permanent disfigurement (Snyman Report paragraph 6.3.25).

3.3.1.1.3 SUMMARY OF THE MAIN REASONS FOR THE VIOLENT ACTIONS ON THE CAMPUS ACCORDING TO THE SNYMAN REPORT

The causes of the unrest of 25 September 1974 were not simply ascribed to allegations that the students were undisciplined, or that the Black Academic Staff Association of the University of the North was irresponsible, or that the University lacked firmness. The problem was held to be immensely more complex, originating from the relationship between White and Black outside the university. It was felt to be directly connected to the statutory and traditional restrictions imposed on Blacks mainly in the interest of Whites and the often unpleasant experiences. Blacks have been in encounters with many Whites in public places, which encounters impair their dignity. All this contributed towards the unpleasant repercussions on the campus (Snyman Report paragraphs 7.5.1, 7.5.2, & 7.5.3).

3.3.1.1.4 GENERAL COMMENT

The 1974 rallies at the University of the North by students were instrumental in interest articulation because this promoted an atmosphere in which the authorities were compelled to give a hearing to
the demands of the students. The students were not confined to their interests as students, but they also articulated some demands on behalf of the Black community in general. As indicated above, they utilised instruments such as violence, boycotts, marches and petitions to articulate interests.

During these rallies two petitions were successfully handed over by the students to the police on 15 October 1974, and a letter accompanied by a petition was also handed over by the students to the Rector on 17 October 1974 (Wolfson 1986:64-68). The contents of both the petitions submitted to the police and a letter accompanied by a petition handed to the rector by the SRC reflected and summarised the interests of the students and read as follows:

3.3.1.1.5 THE FIRST PETITION TO THE POLICE

1. Regarding the arbitrary and harassments that the police in South Africa are perpetrating against Black students and other individuals for holding meetings and legitimate rallies in the past months and before, we, the students of the University of the North wish to point out:

(a) That such violent acts only continue to aggravate the already fostered (sic) racial tensions in the country;
(b) That other thorny political and even social problems that beset this country cannot be solved by police action and reactionary clamp downs but by peaceful negotiations and reforms with regard to certain laws;

(c) That these laws, for example the Riotous Assemblies Act, Suppression of Communism Act, Terrorist Act and Sabotage Act, give the police unlimited powers that make them not protectors of the people but their oppressors; and

(d) That the dignity of a single human life must be held up and respected at all times.

Therefore, in view of the immutable truths above and with the expectation that the Minister of Police and Justice would respectably administer Law and Justice; We, the students of the University of the North, humbly submit their (sic) petition which demands the Police Authorities:

1. to disclose the whereabouts of our President, Mr. G.K. Sedibe;

2. to disclose the nature of the charge laid against him;

3. to release Mr. G.K. Sedibe as he is in fact, innocent.
And we further note:

1. That according to Colonel Muller's information Mr. Sedibe has been detained or arrested in his official capacity as President of the SRC, the logical consequence of which is that the entire student body is equally guilty if at all he is guilty.

2. That as a necessary corollary therefore it is anomalous that the student body should be free when he is detained" (The First Petition to the Police, 15 October 1974).

3.3.1.1.6 THE SECOND PETITION TO THE POLICE

On 15 October 1974 an extra mass meeting was summoned to inform the student body about the detention of the President. After deliberation on the issue the resolution was adopted as such. Having sat down, deliberated, considered the implications of the arrest of our President for his participation in the events of Wednesday 25th September, this student body observes:

1. As Black people, our existence is a pain in the neck of the government;

2. That incidents of cruelty on the Blacks as a result of voicing out their ideals and emotions is very common;
3. That the government of South Africa has systematically brought into existence many laws that totally exclude the Blacks from the country (sic) affairs with the result that as Blacks we feel we are foreigners in the land of our birth;

4. That the government has been responding to the pleas of the Blacks with violence; this response is bound to cause counter violence;

5. In conclusion, we further observe that the government has not taken pains to try to understand the Blacks as a section of the population with the result that Racial hostilities have been unduly heightened.

Thus we therefore resolve:

1. To register our bitterest dislike of the mass arrest and detentions that have arisen as a consequence of a pro-Frelimo rally.

2. To condemn the autocratic and tyrannical actions of the police and therefore

3. To demand the release summarily of our president in the form of a petition which we shall accompany to the Mankwang Police Station.
4. To inform the police categorically that we are under no illusions about the stand we are taking and are fully aware of the violent measures that will be taken against us.

5. That we assemble in the cinema hall at 7.30 a.m. and move to Mankoeing Police Station at 8 a.m.

6. That the Lieutenant of the said Police Station be informed to take the petition and resolution to the Pietersburg Police Station and report to us at 11.30 a.m. on the same day, failing which we come back for a sit in, which will continue until such time that the SRC President is released".

(The Second Petition to the Police, dated 15 October 1974).

3.3.1.1.7 THE LETTER HANDED TO THE RECTOR

1. The Black students of the University of the North wishes to point out the various observations made by them especially with regard to the unrest on the campus for the past months and years, and these are:

(i) the realisation that the collaboration of the Rector with the Police as regards the harassment and arrest of students like Mr. Cyril Ramaphosa, Phandelane
Nefolovhodwe, K.G. Sedibe and other is not going unobserved;

(ii) the University is not in a state of peaceful co-existence and co-operation primarily because of the mistrust, hate, intimidation and oppression existing between the Admin, Rectorate, Council, staff and the student body and that as a necessary corollary and development of this situation we can only envisage greater evils and problems.

We (student body) wish to make the following categorical statements namely:

(i) that there is a great need to put the situation right in this university;

(ii) that it would be intensely selfish and blind of this student body to be satisfied with everything as it is in this campus and the country at large;

(iii) and finally that everything is pointing to an impending disaster throughout the Black Universities and in the country.

We further wish it to be known that the Black student body of this University intends putting things right regardless of the
difficulties in view or the hurdles that some conservative persons continue to place in our way towards good, and justice and our grievances are the following:

(i) that the idea of Africanisation of this University be sped up in all areas where we the Black students feel some Whites are continuing to stifle the progress of the Black people academically;

(ii) that the need to appoint a Black Rector who shall be better able to attend to our difficulties and problems as Black students cannot be overemphasised even at this stage;

(iii) that we be given academic freedom in all its relevant spheres namely:

(a) freedom to appoint students in the main policy making bodies of this university;

(b) that portfolios such as those held by the student's Dean and Hostel Superintendent, be held by persons best competent to hold them;

(c) that students have representation in the committees responsible for the appointment of both lecturing and administrative staff. A body of
responsible people, preferably our parents be appointed in consultation with the students to seriously investigate the manning of important posts in the university by Black people. The aim in view will be to facilitate the process of Africanisation and to make it as complete as possible;

(d) that students be allowed to hold meetings, rallies, etc., freely at any given notice without the intimidation and harassment of the Police and the Rectorate;

(e) that the SRC be allowed to release press statements without the sanction of the Rector;

(f) that the Rector of the University not belong to any political body that is not representative of Black people, nor should any lecturer, White or Black, lecture or work in this University with the idea to infiltrate the ranks of the student body with their own personal beliefs;

(g) that the system of communication and dialogue between the council, the Rector, staff, administration, and student body is in dire need for reassessment and correction since the Rector
and other persons are in the habit of not presenting a true reflection of each and every situation in the campus;

(h) that the accepted system of communication be observed at all times by all parties involved;

(i) that the present Rector and other Rectors still to come should always be personally in contact with the student body by way of constant addresses and meetings (Letter to the Rector by the Students Representative Council, University of the North, 17 October 1974).

3.3.1.1.8 THE PETITION WHICH ACCOMPANIED THE LETTER TO THE RECTOR

That this student body realising with utter disgust and dissatisfaction the said diplomatic action of the Rector in selling our rightful leaders to the system and after the uttering uncalled for and unwarranted irresponsible statements both to the press and the student body that he is not aware of current harassment of our leaders by his seniors, that is, the system, we, the students of this University therefore resolve:

1. That the fallacy is now revealed that the Rectorate, the Admin. and the White academic staff are nothing less than
2. That the lectures and all academic activities be boycotted until Mr. Ramaphosa, Mr. Sedibe and Mr. Nefolovhodwe are unconditionally released and also until such time that the "White" ruling party in this University is dethroned.

3. That it be in the power of the administration only to call for police intervention where necessary and to answerable for such action when they are taken to task.

4. That lectures and academic activities shall not be resumed until all our needs are met and grievances are redressed.

5. That there shall be a sit in which will last until the release of the above said detainees.

6. That the memorandum containing our grievances be drawn and be sent to the administration (Petition to the Rector, 17 October 1974).

It is evident from the demands contained in these letters and petitions to the Police and the University authorities that the 1974 rallies at the University of the North were instrumental in articulating the interests of students, not only as students, but also as citizens of both Lebowa and South Africa. The activities of the SRC
of the University of the North, especially during the period 1986 to 1989, is briefly discussed in section 3.2.5.4.1 above.

3.3.1.2 UNREST IN LEBOWA DURING THE PERIOD 1985 TO 1987

This section is closely related to, and should be viewed as being complementary to sections 3.2.2 and 3.3.1 dealing with anomic interest groups in Lebowa, and physical demonstrations and violent activities respectively.

Serious unrest occurred in Lebowa during the period under review. This necessitated a special meeting of all members of the Lebowa Legislative Assembly and the traditional Chiefs (Magoshi) in September 1985 to discuss the unrest in Lebowa. They decided, inter alia, to call in the South African Defence Force (SADF) to help maintain law and order in the region. The Cabinet was also given a mandate to forbid civil servants from belonging to those radical organisations which opposed the Lebowa Government (Race Relations Survey, 1985: 293).

It was further suggested to, and approved by, the meeting that boarding facilities at most high schools be closed, to exclude as many pupils from urban areas as possible from Lebowa schools in an attempt to curb unrest (Financial Mail, 21 March 1986).
After March 1986, unrest occurred in several districts in Lebowa, including Lebowakgomo, Mahwelereng, Namakgale, and Seshego. Youths reportedly waging a concerted intimidation campaign against "collaborators", caused widespread damage. By early April 1986, more than 12 people had died in unrest related incidents (The Star, 10 April 1986).

At the beginning of March 1986 students attacked the Chief Minister of Lebowa, Dr. C.N. Phatudi, who was traveling in his official car in Seshego. He took refuge at a nearby garage (Race Relations Survey 1986:660). During mid-April of that year, the Mahwelereng home of Lebowa's Minister of Education, Mr. S.P. Kwakwa, was destroyed in a petrol bomb attack. Attacks were also launched against the education circuit office and some villages near Lebowakgomo. Two Lebowa Transport buses were burnt in the Tafelkop district (The Citizen, 12 April 1986 & The Star, 15 April 1986).

In January 1986, the Sekhukhuneland Youth Congress was formed after the United Democratic Front (UDF) in the Northern Transvaal had declared that a state of civil war had existed for two months between the security forces and the people of Sekhukhuneland. The Youth Congress demanded equal and free education and an end to White rule. They further demanded that the members of the Lebowa Legislative Assembly from the Sekhukhuneland constituency resign and that the people suspected of practising witchcraft be executed (Race Relations Survey, 1986:663-664).
In their endeavour to articulate not only their interests and demands as the Youth, but also as members of villages, they resorted to violence which ultimately resulted in many deaths. It is against this background that the following description of the killings should be seen.

The Race Relations Survey (1986:663) reports that, during April 1986, 32 partly decomposed, necklaced bodies were discovered in shallow graves, dongas, and bushes in the Sekhukhuneland villages of GaNchabeng and GaNkoane. The dead were allegedly victims of a campaign to eliminate those who were suspected of cooperating with the Government, or of being perpetrators of witchcraft. The victims were of all ages. A further 4 charred bodies were found on 16 April 1986 at GaNkoane. By 11 May 1986 a total of 43 bodies had been found (three bodies of women had been found trapped in a burnt house at Maifela). One man described how he had watched as a group of youths singing freedom songs had burnt his wife to death.

Many youths were arrested by the police and about 300 of them were charged with murder as a result of these incidents.

The containment and management of this type of violent action was completely beyond the capabilities of Lebowa Government. Lebowa only became less turbulent after the declaration of the National State of Emergency by the State President of South Africa on 12 June 1986. The State President justified his actions as follows (Bureau For Information 1987:3):
The occurrence and increase of violence as perpetrated by persons and organisations, is in itself in my opinion of such a nature and extent that it seriously endangers the security of the public and the maintenance of public order. Because I am thus of the opinion that the ordinary laws of the land are inadequate to enable the Government to ensure the security of the public and to maintain public order. I have decided to declare a National State of Emergency, including the self-governing national states.

According to the Bureau For Information (1987:8), there was a marked decline in unrest related incidents after the introduction of the State of Emergency.

The purpose of citing these two examples, the 1974 students unrest at the University of the North, and the unrest in Lebowa, was to demonstrate the extent to which violent action is resorted to as one obvious means of articulating demands in the Lebowa political process.

The 1974 students violent action induced the Government to appoint a Commission of Inquiry which presented positive recommendations accommodating some of the reasonable demands of the students. Mention was made of specific events which occurred during and statistics which arose from the 1985/87 unrest in Lebowa to highlight the violent attitude adopted by some of the organisations and people in their attempt to articulate their interests and demands. Youth organisations played a significant role in most of these events.
The most strident and general demands were directed against the policy of Apartheid, the Bantustan structures, and all the people who were thought to have collaborated with the so-called Apartheid regime. The interest served by these mass killings to those who organised them, was the attainment of their political objective: the eradication of apartheid and its structures. The declaration of the State of Emergency by the State President can also be seen as a form of counter interest articulation by other political organisations (ISIZWE, The Nation, Journal of the United Democratic Front, volume 1, number 1 November 1985:4-18).

The views of the UDF on the State of Emergency were stated as follows (ISIZWE, The Nation, Journal of UDF, volume 1, No.1, November 1985:9):

The broad aim of the emergency was to reverse the gains made by the democratic movement over the last 18 months, to resuscitate discredited leaders and to recreate the space for puppet solutions and structures. The regime realises that only by crushing the uprising and the people's organisations can it hope to win a measure of consent and collaboration in the revival of apartheid structures.

Nearly all the Youth Organisations in the Sekhukhuneland district of Lebowa, were affiliate members of the UDF in the Northern Transvaal. These included Leolo Youth Organisation, Magnet Heights Youth
Organisations, Jane Furse Youth Organisation, Mohlaletse Youth Organisation, and Nchabeleng Youth Organisation.

Although the reaction of the Government to the unrest situation in Lebowa during 1985 and 1986 was rather negative, the fact remains that the articulated demands did attract the Government's attention.

3.3.2 PERSONAL CONNECTIONS

One important means of access to political elites is through personal connections, the use of family, school, local, or other social ties. An excellent example is the information network among the British elite based on old school ties originating at Eton or Harrow or in the colleges at Oxford or Cambridge universities (Almond & Powell 1988:71).

These types of contact are commonly used by nonassociational groups in Lebowa as indicated in Section 3.2.3 above.

As shown, personal connections as means of access to political elites also play an important role in the Lebowa political system. Through personal contacts with the Chief Minister or any of the Cabinet Ministers, the traditional Chiefs (Magoshi) usually bargain successfully for governmental grants and services for their tribes. They consider this personal connection approach to be more effective and
convenient than having to formally articulate the demands of their tribes through the offices of the district magistrates.

Members of the public in Lebowa also have personal connections with their representatives in the Lebowa Legislative Assembly which provides the public with a most convenient opportunity to articulate their demands (author's observation).

3.3.3 ELITE REPRESENTATION

This form of representation consists of direct representation in the rule-making structure of an interest group by a group member or a sympathetic representative who is an independent elite figure. Elite representation may also serve as a channel for interest groups which have no other means of articulation (Almond & Powell 1966:83-84).

Most of the 38 elected members of the Lebowa Legislative Assembly are businessmen who are also members of the Lebowa Chamber of Commerce and Industry (LEBCOC). The interest of LEBCOC is, therefore, well represented and protected by its members in the Legislative Assembly (but not at the expense of the voters in general).

This is also the case with teachers. During the discussions of the Policy and Budget speech of the Minister of Education in the Lebowa Legislative Assembly on 10 May 1985, a Member of the Assembly from the Seshego constituency, Mr. I.K. Moloko, who is a teacher by
profession, proved beyond doubt to be a representative of the interests of teachers.

Regarding the alleged inefficiency of teachers mentioned by some of the members, Mr. Moloko commented as follows (Lebowa Legislative Assembly Verbatim Report, volume 19, Part 1, 10 May 1985:227):

Much has been said about the inefficiency of teachers. In other words, we must find a solution to curb the inefficiency of our teachers. First of all, our teachers should improve their qualifications. They are accommodated in ramshackled small houses where they stay with their families. How do you expect them to produce good work under such conditions? I do not think you can expect a well cooked porridge from a dirty pot. For good results proper methods must be applied. We are pointing one finger at our teachers while three other fingers are pointing at us the accusers.

Mr. Chairman, please understand me I am speaking from experience as a teacher. I am here on behalf of teachers.

About the unfair transfer of teachers, Mr. Moloko further said:

There is a lot of discontent about the Department of Education. It won't help us to praise the Minister when we see mistakes in his Department.
Somewhere the Minister speaks about teachers resisting transfers. I don't believe that a teacher who has been given good and valid reasons for his transfer can resist transfer. Most of the transfers are unfair. A teacher is told to report at the next school which is some hundred kilometres away through a telegram. The regulations put it here clearly that when the department transfers a teacher, it should be at its own expense to transfer a teacher to another place.

From this it ought to be evident that elite representation is an extremely effective channel of access to the political authorities in Lebowa.

3.3.4 FORMAL AND INSTITUTIONAL CHANNELS OF ACCESS

There are numerous formal and institutional channels of access in a modern political system. They include the mass media, political parties, legislatures, bureaucracies, and Cabinets. These groups are formal and have other political and social functions in addition to interest articulation (Almond & Powell 1988:70).

3.3.4.1 THE MASS MEDIA

While the mass media, including television, radio, and newspapers, play an important role as channels of access to convey political
demands to decision makers in Lebowa, its effectiveness is reduced by
the existing censorship regulations, security legislation, and the
State of Emergency which ended in June 1990. All these restrictive
measures were initiated by the South African Government, and not the
Lebowa Government.

Television has a limited effect in Lebowa. Only a few citizens of
Lebowa can afford the high cost of television sets. In most of the
rural areas in Lebowa there is still no supply of electricity services which further impedes the installation of television sets. Most
of the citizens residing in proclaimed towns in Lebowa do, however,
own television sets. Through different programmes and news bulletins
in Northern Sotho and other Black languages, television plays a
limited role as a channel of access to political decision makers in
Lebowa in the articulation of political demands.

With the expansion of transistor radio broadcasts and the spread of
radios in the 1960's, most areas in South Africa (including Lebowa)
came within the reach of broadcast media. Transistors radios are
sufficiently cheap so that even in rural communities in Lebowa most
people can afford them. The influence of radio is significant
because of the diversity of sources of information it gives access
to. Although the South African Broadcasting Corporation, even
through Radio Lebowa, does not provide detailed coverage of domestic
events in Lebowa, use of the radio to convey political demands serves
as a major channel of access to decision makers.
However, it should be mentioned that both the radio and the television in Lebowa are state-sponsored and state-controlled, which means that it cannot function as the mouthpiece of any oppositional group. In this respect, the scope of interest articulation is fairly limited. The situation is not necessarily the same with regard to the printed media or press (author's observation).

The press plays an important role as an access channel to decision makers with regard to interest articulation in the Lebowa political process. With the onset of crisis in South Africa (including Lebowa) in 1984, and especially with the application of emergency regulations in 1986, the boundaries of freedom of the press were sharply reduced. These restrictions limited the effectiveness of press as an access channel.

What is more, newspapers in Lebowa circulate mainly in the major proclaimed towns and their immediate surroundings. Their readership is restricted by the poverty of the mass of the populace and the relatively high illiteracy rates, especially in the rural areas of Lebowa (Botha 1983:593). Again, these factors impede the effectiveness of this access channel.

However, the influence of the press cannot be underestimated in the Lebowa political process. Many interest groups in Lebowa frequently use the press as a means of conveying political demands to the relevant Government authorities. Nearly all English newspapers are popular in Lebowa, especially the Sowetan, City Press, and some local
papers such as the Times and the Review. Therefore, the mass media in general, serve as an important channel of access to the decision makers.

3.3.4.2 THE POLITICAL PARTIES

The only established political party in Lebowa, the Lebowa People's Party (LPP), is an important institutional means of articulating political demands, but a number of factors limit its usefulness. The existing undemocratic nature of the Lebowa constitution, especially those provisions entrenching an unbalanced ratio of representation between elected and designated members in the Lebowa Legislative Assembly, discourage any organized political competition outside the framework of the dominant ruling party.

However, the LPP provides its members with the opportunity to articulate political demands at all party levels, that is, branch level, divisional level, and congress level. For example, on 28 December 1986, a meeting was held by the Seshego South Branch of the LPP at Makgofe High School and the following demands were articulated by individuals and interest groups: dissatisfaction about the inadequate supply of water and electricity and the non existent health facilities in the village (Minutes of the Branch Meeting, 28 December 1986).
Another example is provided by the annual Congress of the LPP held on 30 March 1986 at Noko-Nkwe-Tlou in Mokerong district at which the following political demands were articulated through written and oral motions:

3.3.4.2.1 WRITTEN MOTIONS

(a) That the Senior Teacher's Diploma be introduced at all Colleges of Education in Lebowa, e.g., Sekhukhune, Modjadji, Mokopane, Mamokgalake Chuene and Kwena-Moloto (Mover: Mr. R.S. Tladi, Mashabela Lethole Branch, Lefalane).

(b) That no child from urban areas must be admitted by the Lebowa education institutions without the approval of the urban Representative for the purpose of tax collections (Mover: Mr. H.F. Nkoana, Mamelodi Branch, Pretoria).

(c) That the Cabinet of Lebowa should include the TBVC states in their unity talks with the R.S.A. Government about the establishment of a Federal Government in South Africa based not on ethnicity (Mover: N.D. Lamola, Mamelodi Branch, Pretoria).

3.3.4.2.2 ORAL MOTIONS

(a) Mr. Lazarus Moabelo moved that the Government should take drastic steps against people killing others on allegations that they struck lightening.
(b) Mr. S.J. Mashilo moved that applications for old age pensions be made at the pay points and not at Magoshi's headquarters because applications from people who stay far away from these headquarters are often not attended to timeously especially applications from those who stay on the trust farms. He further moved that the Minister of Agriculture should investigate the complaints by the private owners of land and communities who were deprived of their ownership rights in the Nebo area; and further that the farms Vleischboom, Vierfontein, Leeukraal and Driefontein not only be utilised for one type of farming, but also for livestock farming.

(c) Mr. P.C. Mashabela of Sekhukhuneland moved that the relevant Department should investigate the wages paid to young Black men and women who leave school at early ages to work for White farmers (Minutes of The Lebowa People's Party Annual Congress, Mokerong District, 30 March 1986).

Due to a shortage of time, the presiding chairman at the Congress ruled that further motions and questions be sent to branches, divisions and Urban Representatives who would, in turn, forward them to the General Secretary for distribution to the relevant Cabinet Ministers for consideration (Minutes of the LPP Annual Congress, Mokerong District, 30 March 1986). These party activities serve to highlight the effectiveness of political parties as formal channels of access to decision-makers in the interest articulation process.
However, there are no laid down procedures within the LPP in respect of matters that are not discussed by congress or which are explicitly excluded from the domain of congress. As in the instance described above, such matters are usually referred to the relevant Cabinet Minister, who may in turn refer the matter to his Department, the party's parliamentary caucus, or the Cabinet, depending on the nature of the demand or issue. In other instances, these matters are sometimes discussed with the top executive of the party (author's observation).

3.3.4.3 THE LEGISLATURE

As has already been indicated, the Lebowa Legislative Assembly, like any other law-making body, is not only confined to law-making, but also undertakes other activities such as the articulation of different interests. The effectiveness of the Lebowa Legislative Assembly as a channel of access to the decision makers in the articulation of interests has been illustrated by the examples cited in paragraph 3.2.4 (Institutional Interest Groups) above.

There are also institutions established specifically to provide opportunities to the Lebowa Government to communicate with the South African Government about Lebowa interests. In this regard, the Development Bank of Southern Africa (DBSA) is a good example. Since its establishment in 1983 by the South African government, DBSA facili-
tated development through loan finance and support for projects that advance the level of development. The bank also provided technical assistance loans and grants for, and advice on, project preparation and development planning, and research, training and publications on development (Lebowa Legislative Assembly Verbatim Report, volume 23, Part II, 6 July 1989: 498).

The Lebowa Legislative Assembly articulated many demands through the Department of Economic affairs and Technology to the DBSA. As a result, 36 per cent of the total number of projects submitted to DBSA for financial assistance by the Lebowa Government were approved. These projects were mostly agricultural, industrial and commercial (Lebowa Legislative Assembly Verbatim Report, volume 23, Part II, 6 July 1989:498-499).

3.3.4.4 THE BUREAUCRACY

Contacts with the bureaucracy at various levels and the different Departments in the Lebowa Government can be particularly important and useful in transmitting political demands to the decision makers, particularly on issues that are not politically contentious. Departments like those for education, health, welfare and agriculture, have direct contact with members of the public through their representatives and field worker. In this way, they are among the most important spokesmen for interest groups.
The importance of the bureaucracy as a channel of access in transmitting political demands to the relevant authorities in Lebowa ought not to be underestimated.

3.3.4.5 TRADITIONAL CHANNELS OF ACCESS

"Traditionally, the constitutional unit of the Northern Sothos (the Lebowans) is the tribe. The core members of one tribe are related, i.e. they have common ancestors. The central figure in the tribe is the Kgoshi" (Letsoalo 1984:47). The tribal structures also serve as formal channels of access for articulating political demands in the Lebowa political process.

An illustration of how they operate as such channels, is a meeting of the Bakgomana (Traditional Councillors) and Headmen held on 29 June 1989, at Bakone (Matlala a Thaba). The following demands were articulated by respective tribesmen and Headmen:

(a) Headman Seopa requested a scraper from the Works Department to come and repair some of the eroded streets in his village.

(b) Headman Nong asked for culverts to be repaired next to the local school by the same Department.

(c) Headman Matlala reminded the Health Department about the need for the erection of a clinic building at his village.
(d) Headman Seema requested the construction of a bridge over one of the troublesome rivers in his village.

In all these cases the Tribal Authority transmitted the demands to the respective departments of the Lebowa Government (Minutes, Bakone Tribal Authority Meeting, 29 June 1989).

It is, therefore, essential to include traditional structures as channels of access in addition to those provided for by Almond and Powell in their model, which was not originally designed for African societies such as Lebowa. The pattern or style of articulating interests as described above, is more or less similar in most tribal structures in Lebowa.

Of great significance in this regard is the manner in which members of tribes articulate their demands effectively through these traditional structures. Examples were provided in paragraph 3.2.3 of this chapter.

3.4 FACTORS WHICH INFLUENCE INTEREST ARTICULATION

To focus on interest articulation groups to the exclusion of the many environmental and political factors which influence the activities of these groups and which shape the channels and means of access for interest articulation would be foolhardy (Welsh 1973:128). Almond
and Powell specifically focused on the following three environmental factors: political communication, the political culture, and the distribution of resources in the society (1966:91-92).

3.4.1 POLITICAL COMMUNICATION

Jean Blondel (1972:22) considers communication to be an important political function in any political process: "One element that plays a large part in developing biases by which the system listens more to some hopes and desires than to others, is the communication system". While Almond and Powell appreciate the importance of the communication function, they do not see this function as being inclusive of all other political functions. Instead, according to them, it constitutes a necessary prerequisite for the performance of other functions (Almond & Powell 1966:165-166).

The relevance of political communication in the interest articulation process is partly highlighted in paragraph 3.3.4.1 of this chapter. However, the political communication function in the Lebowa political process will be discussed fully in chapter 8 below.

3.4.2 THE POLITICAL CULTURE

Political culture is defined as "the pattern of individual attitudes and orientations toward politics among the members of a political
system ..." (Almond & Powell 1966:50). Almond and Verba have identified three broad types of political cultures: parochial, subject, and participant (Almond & Verba 1963:17).

The present participant political culture prevailing in countries such as the United States, and Great Britain is conducive to active and organized interest articulation. On the other hand, the political culture in Lebowa is best seen as an amalgamation of contradictory elements of Western value systems and indigenous African cultural orientations.

The rural sector in Lebowa is much larger than the urban sector, both in terms of geographic size and population size. 99 percent of the total area is defined as rural, while 90 percent of the population lives in the rural areas (De Villiers 1984:15) under the traditional leadership of Magoshi (Chiefs). Therefore, Lebowa is predominantly a rural area with some elements of traditional lifestyle. Through Christian evangelization, education, employment and urban influence, the Lebowans residing in these rural traditional areas are in a process of being gradually assimilated into a Western value system (author's observation).

These factors have a direct and significant influence on the prevailing parochial or subject political culture in the rural traditional areas of Lebowa, which in turn influenced the interest articulation process (author's observation).
Another durable area of cultural influence in Lebowa is language. Retention of European languages in addition to Northern Sotho by the Lebowa Government has meant that the business of the Government is conducted in a medium poorly understood, if at all, by a large number of the citizens of the territory. This cultural factor obviously also influences the articulation of political demands. "Only in Madagascar, Tanzania, Somalia, Ethiopia, Sudan, Libya and Egypt are indigenous languages primarily used in the daily work of government in the mid-1980s" (Almond & Powell 1988:509).

One way of examining the influence of some aspects of political culture on the interest articulation process is to describe the attitudes of Lebowa citizens towards the three levels of the political system, namely system, process, and policy (Almond & Powell 1988:41).

3.4.2.1 SYSTEM PROPENSITIES

At the system level we are interested in the citizens' and leaders' views of the values and organizations that hold the political system together. How is it and how should it be that leaders are selected and citizens come to obey the laws? Perhaps the most important aspect of system propensities is the level and bases of legitimacy of the government (Almond & Powell 1988:41).

The basis of legitimacy of the tribal local government in Lebowa depends on the ruler inheriting of the throne (Chieftainship), and
The legitimacy of these tribal local governments is generally high (Botha 1983:432). The effect hereof is that tribesmen obey the laws and the local government meets the obligations set by its basis of legitimacy. These bases of legitimacy set the rules for a kind of exchange in respect of inputs (articulated interests) and outputs (rule-making) between tribesmen and Tribal Authorities in Lebowa. In this way, the beliefs and attitudes of tribesmen influence the interest articulation process (author's observations).

The legitimacy of the Central Government, that is the Lebowa Legislative Assembly, as reflected by the attitudes of citizens, is very weak, and has been since the unbanning of anti-apartheid organizations such as the African National Congress and the release of some prominent political prisoners including Dr. Nelson Mandela in February 1990.

Prior to these bold steps by the South African Government, the Lebowa Government derived its legitimacy from both traditional Chieftainship and competitive elections. 60 percent of the members of the Legislative Assembly were designated traditional Magoshi (Chiefs). Only 40 percent of the members were democratically elected (Lebowa Constitution Proclamation, 1972). The level of legitimacy during this period was fairly high, but not conducive to the articulation of radical political demands (author's observation).

As stated above, the unbanning of the anti-apartheid political organizations and the release of long term political prisoners completely
affected the attitudes of Lebowans toward the Government of Lebowa negatively. The legitimacy of the Government of Lebowa became very low in the eyes of the public.

The Chief Minister of Lebowa confirmed and summed this view up as follows (Chief Minister M.N. Ramodike, Lebowa Legislative Assembly, Policy Speech 1990:2):

I must hasten to point out that in our present capacity we are being rejected by our compatriots and fellow countrymen in other political organizations as symbols of apartheid. We are being shunned by our own brothers and sisters for being part and parcel of institutions which were created to further the policy that separates people according to race and the colour of their skin. Time and fate will one day render us irrelevant and obsolete; while on the other hand we are being urged to turn our backs on these divisive structures and join forces with progressive organizations with the view to forming a united front in our fight against the system.

This low legitimacy level is not acceptable to the citizens of Lebowa which causes them to articulate their political demands in a more violent manner. This cultural aspect has an important influence on the interest articulation process in Lebowa (author's observation).
3.4.2.2 PROCESS PROPENSITIES

"At the process level we are interested in the individual's propensi­ties to become involved in the process: to make demands, obey the laws, support some groups and oppose others, and participate in vari­ous ways" (Almond & Powell 1988:41).

To determine the distribution of orientations towards involvement in the political process amongst the people of Lebowa, the following ought to be borne in mind. In the first place, the majority of the people of Lebowa reside in predominantly tribal rural areas and are poorly informed about politics. Secondly, they are generally loyal to the traditional leadership and its structures (Bogoshi). As a result, their tribal affiliations have a greater influence on their participation in politics at the central level than their own independent political convictions and opinions (author's observation).

A total of 952 048 votes were cast during the Lebowa General Elec­tions of 1989 (Minister of Home Affairs, Lebowa Legislative Assembly, Policy & Budget Speech 1989:29). This represents almost 50% of the estimated population of 1 991 447 in the territory in 1988 (Race Relations Survey, 1988/89:148) and serves to confirm that the people of Lebowa do participate in the political process. The majority of citizen's are, however, mobilised as subjects of tribal structures, and sometimes even coerced to cast their vote during elections (author's observation).
According to Almond and Powell, "another relevant feature of process culture is people's beliefs about other groups and themselves as group members" (Almond & Powell 1988:43). The people of Lebowa, in general, attach great importance to their tribal groupings, but not to political organizations or parties. These cultural aspects have a tremendous influence on the manner and style in which political demands are articulated by the inhabitants of Lebowa.

3.4.2.3 POLICY PROPENSITIES

"At the policy level we want to know what policies citizens and leaders expect from the government. What goals are to be established and how are they to be achieved?" (Almond & Powell 1988:41).

The provision of basic services such as water, roads and bridges, schooling facilities, and old age pensions, are considered to be important by the people of Lebowa, especially in rural areas. The culture in Lebowa also places greater value on communal ownership of land than on private ownership of land.

The importance attached to various policy outcomes by the inhabitants of Lebowa will, therefore, influence the interest articulation process.
"Political cultures may be consensual or conflictual on issues of public policy and on their views of legitimate governmental and political arrangements" (Almond & Powell 1988:44). Although there are many ethnic groups in the Lebowa territory such as the Pedis, the Swazis, the Ndebeles, the Tswanas and the Shangans, no extreme conflictual subcultures have emerged in Lebowa (author's observation). There is, however, evidence of extremely conflicting subcultures between the people of Lebowa and the White population of South Africa.

The political system of greater South Africa is dominated by a White minority constituting only 17% of the entire population of the Republic of South Africa. The Black majority rejects this minority government and demands majority rule as the only legitimate basis of Government authority. A further demand of the majority is for participation in the highest decision making bodies in the State. It is a widely held belief that the policy of separate development, which gave rise to the homelands, is a sham, as all the homelands together cover only approximately one eighth of the total land area of South Africa and are scattered across that area (Almond & Powell 1988:46).

This vast gap between the subcultures in Lebowa and White South Africa also influences the articulation of political demands.
3.4.3 THE DISTRIBUTION OF RESOURCES

The third environmental factor affecting the channels and means of access for interest articulation, apart from political communication and political culture, is the distribution of resources. Almond and Powell (1988:123) states that:

The distributive performance of the political system is the allocation by governmental agencies of money, goods, services, honours and opportunities of various kinds to individuals and groups in the society. It can be measured and compared according to the quantity of whatever is distributed, the area of human life touched by these benefits, the sections of the population receiving benefits, and the relationship between human needs and governmental distributions intended to meet these needs.

Although Government expenditure does not provide an accurate measure for all these distributions, it does provide a limited quantitative measure of this distributive effort (Almond & Powell 1988:123). Since the inception of Lebowa in 1972, pressure from the citizenry for rapid expansion in the supply of public amenities has been enormous. The most important of these demands as reflected in the budget speech and the Lebowa Appropriation Bill of 1990 presented by the Chancellor of the Exchequer were: educational facilities, health facilities, roads and bridges, water and electricity supply. In response to these demands, an amount totaling more than R1 510 million was allocated to the following Departments by the Lebowa Government:
<table>
<thead>
<tr>
<th>Vote</th>
<th>Department</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Chief Minister</td>
<td>R 34 079 000</td>
</tr>
<tr>
<td>2</td>
<td>Home Affairs</td>
<td>R 35 287 000</td>
</tr>
<tr>
<td>3</td>
<td>Works</td>
<td>R 69 698 000</td>
</tr>
<tr>
<td>4</td>
<td>Education</td>
<td>R 720 966 000</td>
</tr>
<tr>
<td>5</td>
<td>Agriculture</td>
<td>R 111 941 000</td>
</tr>
<tr>
<td>6</td>
<td>Justice</td>
<td>R 20 620 000</td>
</tr>
<tr>
<td>7</td>
<td>Health</td>
<td>R 153 294 000</td>
</tr>
<tr>
<td>8</td>
<td>Finance</td>
<td>R 105 272 000</td>
</tr>
<tr>
<td>9</td>
<td>Law and Order</td>
<td>R 57 687 000</td>
</tr>
<tr>
<td>10</td>
<td>Economic Affairs and Technology</td>
<td>R 23 630 000</td>
</tr>
<tr>
<td>11</td>
<td>Social Welfare and Pensions</td>
<td>R 182 804 000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>R1 515 278 000</strong></td>
<td></td>
</tr>
<tr>
<td>Less statutory Amount</td>
<td><strong>R 5 240 197</strong></td>
<td></td>
</tr>
</tbody>
</table>
Amount to be voted R1 510 037 803

(Chancellor of the Exchequer, Lebowa Appropriation Bill 1990).

The Department of Education received the largest allocation, followed by Social Welfare and Pensions, Health, and Works. This budget reflected the Government's sensitivity towards the needs articulated by the people. In support of this view, the Chancellor of the Exchequer stated (Chancellor of the Exchequer, Budget Speech, and The Lebowa Appropriation Bill 1990:5):

This government was put under extreme pressure during the year 1989/90. As a result of expenditure exceeding the available financial resources of the government at large, escalating demands to finance expenditure outside the budget and delays in loans applied for, the department was faced with threat by its bankers that salary cheques may not be honoured when presented.

The government was forced to use 3 million of its 8 million platinum shares to overcome the anticipated shortfall.

From this it is evident that State expenditure in Lebowa has some distributive influence, which, in turn, influences the interest articulation process.
Financial backing is an indispensable prerequisite for interest groups to function or operate effectively in modern political systems. The representation of interests on a continuing basis is an expensive procedure (Almond & Powell 1966:92). As stated earlier, groups such as the Lebowa Chamber of Commerce and Industry, Lebowa Liquor Traders Association, and Lebowa Teachers Association do not, in general, experience many problems with channels of access. This is partly because they are financially better off than other interest groups.

While Almond and Powell discuss the three abovementioned environmental factors in isolation from one another as independent factors shaping or influencing interest articulation, they stress that the factors are intertwined in a complex pattern, and therefore interdependent (Almond & Powell 1966:93).

3.5 CONCLUSION

In this chapter, the important interest articulation structures and channels of access, including the factors that influence the articulation function in the Lebowa political process, were briefly outlined and discussed. It was shown that individual self-representation occurs at the local, regional, and central authority level and is found at different levels of the political process in Lebowa. This is not the case with anomic interest groups. Traditional tribal structures, sorghum beer consumers and small village residents were cited as
appropriate examples of non-associational interest groups in the Lebowa.

Mention was made of the influence and effectiveness of the Lebowa Legislative Assembly as a formal institutional interest group structure. Associational interest groups were shown to be more successful than most other groups. Chambers of Commerce and Industry, trade unions, civic associations, and student organisations were used as examples of associational interest groups.

It was shown that physical demonstrations and violence are frequently resorted to as means of articulating demands in the Lebowa political process. Various examples from the 1974 student unrest at the University of the North, and the unrest in Lebowa during the period 1985-1987 were used. Personal contacts between members of the public and the elected members of the Lebowa Legislative Assembly and other decision-makers play an important role. Professional teachers serving as elected members in the Lebowa Legislative Assembly were shown to act as elite representatives of teachers associations. Formal channels of access were also referred to. The three environmental factors that influence interest articulation were also discussed.

In conclusion, it is clear that there are sufficient formal and non-formal interest articulation groups at the disposal of the people of Lebowa. The existing legal impediments such as the internal security laws, and the National State of Emergency (lifted in June
1990), however, prevent and restrict the free articulation of political demands which do not correspond with government policy. It would further appear that the political culture of Lebowa, which is to a large extent still parochial in nature, is not conducive to active and informed articulation, but that a great deal of secularization of political culture is taking place.

The release of prominent political prisoners and the unbanning of anti-apartheid organisations in South Africa since February 1990, have stimulated more active participation on the part of interest groups in Lebowa. Peaceful marches are staged freely all over Lebowa with demonstrators handing over petitions to the respective government authorities.

Lebowa is only a self-governing territory with limited powers within the Republic of South Africa. Therefore, the interest articulation process in the Lebowa should not be seen in isolation, but should rather be viewed and assessed within the broader context of South Africa.

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CHAPTER 4: INTEREST AGGREGATION

4.1 INTRODUCTION

Almond and Powell call the function of converting demands into general policy alternatives interest aggregation (1966:98). The concept "aggregation" refers to a process whereby a series of associated demands or interests on a given subject, be it taxation reform, amendments in the electoral system, relations with a neighbouring state or the structure of secondary education, are combined and converted from a rather indefinite and diverse composition to a consistent and easily intelligible proposal of policy (Roberts 1971:5-6, 103). In the present context, the term "interest aggregation" is reserved for the more inclusive levels of the combinatory process, namely the structuring of major policy alternatives. It should also be distinguished from the final process of rule-making (Almond & Powell 1966:99).

The interest aggregation functions can be traced and analysed in all political systems, regardless of whether they are modern or traditional. Within the same political system, different structures may perform the same functions, and the same structures may perform different functions. This is often more so in traditional political systems, especially at tribal level where the functions of interest articulation, interest aggregation and rule-making overlap, or take place simultaneously in the same structure (Almond & Powell 1966:99).
At present, the traditional way of aggregating interest in the Lebowa political system is predominantly used at the Tribal and Headman levels. In highly developed political systems, however, there are distinct, specialised structures which act as intermediaries between the large diversity of articulated interests and the final formulation of authoritative decisions. The British political system is a good example in this regard (Almond & Powell 1966:103).

4.2 INTEREST AGGREGATION STRUCTURES

Although there are many structures performing the interest aggregation function, Almond and Powell regard the political party and the government bureaucracy as the most likely candidates for this specialised mediation role between articulation of interest and rule-making (Almond & Powell 1966:101). The applicability of political parties, the government bureaucracy, and traditional structures as aggregation structures in Lebowa will be considered.

4.2.1 THE BUREAUCRACY

Almond and Powell describe the government bureaucracy as the group of formally organised offices and duties connected by an extensive hierarchy subsidiary to the formal rule makers. Although the special task of this body is the implementation of rules made by the higher
authorities, the diversity of civil service agencies and informal groups within the bureaucracy are involved in many other political functions (Almond & Powell 1966:101). This practice is observable at all levels or phases of government in the Lebowa political system.

4.2.1.1 THE LOCAL LEVEL

Four different forms of settlement may be distinguished at the local level in Lebowa: proclaimed townships, closer settlements, community authorities and tribal rural villages. The pattern of interest aggregation at the three last mentioned types of settlements is similar and largely traditional in nature. They will, therefore, all be dealt with under traditional structures. Proclaimed townships will be discussed separately.

4.2.1.1.1 TOWN COUNCILS

The Lebowa Government may by notice in the government gazette establish a town council for any proclaimed town. A town council shall consist of one elected member for each ward elected separately by the voters of the ward concerned and one or more members designated by the Lebowa Government. Town councils are represented by between six and eleven councillors, depending on the size of the town. They hold office for a period of three years. The town council's elections in Lebowa were never contested on a party
political basis (R.S.A.: Proclamation R293 of 1962 as amended). The interest aggregation function can, therefore, be performed by independent councillors or by town administrators such as managers and superintendents.

An appointed manager assisted by one or more Superintendents is the head of the organization of each town in Lebowa. Depending on the nature of the demands, these administrative officials aggregate different political demands articulated by individuals or interest groups in their towns for submission to either the Town Council or the Department of Home Affairs. "The Town Administrators in Lebowa serve to aggregate and adjudicate the needs and demands of residents in all towns" (Pheme 1988:174).

Since the unbanning of political organisations at the beginning of 1990, the residents of many towns in Lebowa have established their own informal civic associations which, in most instances, play a significant role in the performance of the rule-aggregation function. These civic associations have actively aggregated the demands of the residents in many ways for presentation to the Lebowa Government. In this sense, they have taken over the functions and the responsibilities of the Town Councils, and to a certain extent, those of the Town Managers.
4.2.1.2 THE REGIONAL LEVEL

At the regional level, the Lebowa Government established Magistrates offices in each district. These district Magistrates also play a very important role in the interest aggregation function in the Lebowa political system. In some instances, they act on an agency basis for other government departments. Some members of the public prefer to articulate their political demands either directly or indirectly by way of complaints to the offices of the District Magistrates for submission to higher authorities. For example, all applications and suggestions pertaining to social and old age pensions are channelled through district Magistrates to the relevant Departments (Lebowa Legislative Assembly, Verbatim Report: Volume 21, part 3, 1987:455).

The Minister of Economic Affairs and Planning in Lebowa recently established structures called development committees to facilitate closer cooperation in respect of development planning and policy formulation on local, regional, departmental and ministerial levels. These committees serve as effective interest aggregation substructures within the bureaucracy of Lebowa (Lebowa Legislative Assembly, Verbatim Report: Volume 21, part 3, 1987: 512).

Most Government Departments have established regional offices in all the districts of Lebowa. The Departments of Education and Agriculture will serve as examples hereof. Usually most of the demands or interests in respect of educational matters articulated by
members of the community as individuals or as members of interest groups are channelled through the Circuit or Regional Offices of Inspectors of Education, who in turn, aggregate these demands for submission to the Department of Education (Interview: April Makgakga School Committee Chairman, 15 September 1990). Submissions to the Department may be written or verbal (author's observation).

The Agricultural Regional Offices also serve as important interest aggregation structures within the Lebowa bureaucracy. Most of the demands and interests pertaining to agriculture articulated by interest groups such as agricultural cooperatives, or tribal authorities are first aggregated at these regional offices before submission to the relevant department (author's observation).

In chapter 3 (paragraph 3.3.1.1) above, mention was made of the first and second petitions from the Student Representative Council of the University of the North to the Lebowa Mankweng police station containing demands which had to be sorted and aggregated by the Station Commander before submission not only to the Department of Law and Order, but also to other relevant departments.

4.2.1.3 THE CENTRAL LEVEL

Government Departments in Lebowa play a significant role in performing the interest aggregation function at the central level. Although these Departments are there mainly for the implementation of
laws made by higher authorities, they also serve as specialized structures which act as intermediaries between the large diversity of articulated interests and the final formulation of authoritative rule-making.

The initial preparation and the drafting of bills by these Departments before submission to the legal section in the Department of Justice for further aggregation is a good example hereof. For instance, road traffic became a burning issue in Lebowa and the public insisted on positive steps on the part of the government to address this problem. Ultimately, a departmental draft bill was prepared which aggregated all interests related to the issue. The draft bill was submitted to the legal section in the Department of Justice for further aggregation before final submission to the Legislative Assembly via the Cabinet. It was enacted as the Lebowa Road Traffic Act, 1973, (Act 8 of 1973).

4.2.1.3.1 THE PREPARATION OF A BUDGET AS A FUNCTION OF AGGREGATION

"A budget is the overall plan that identifies the expected resources and expenditure for a given period and reflects the nature and source of these resources and expenditure" (Esmond 1982:1-2). In its simplest form, "a budget is a document or a collection of documents that refer to the financial condition of an institution including information on revenue, expenditure, activities and purposes or goals" (Lee & Johnson 1978:11).
A government decides on a programme of action and this programme is converted into monetary terms in the budget. This programme consists of aggregated demands which are elevated to inputs which the government elects to satisfy. From its draft form, the budget should be prepared and planned in accordance with predetermined regulatory guidelines (Norwick 1973:5).

In the Lebowa Government, these policy guidelines are determined by the Minister of Finance in consultation with the Cabinet, the secretary of his own department, financial experts, and the Advisory Board on Finance established in terms of the provisions of the Lebowa Advisory Boards Act, 1976, (Act 10 of 1976). These policy guidelines form the point of departure from which inputs with financial implications are considered.

The budgeting system used in Lebowa for the compilation of the budget is called "Budgeting by objectives" (Third Report of the Commission of Inquiry into Fiscal and Monetary Policy in South Africa, 1970:279-283).

In practice, the preparation of the budget is a process that continues throughout the year. The Treasury receives frequent requests for funds from Departments for approval to include new services and projects in the next budget. These applications are considered in the light of the availability of funds and other relevant considerations.
In the middle of each year, the Department of Finance in Lebowa sends out what is known as the "estimate circular" to all Accounting Officers of Departments requesting the latter to submit, before or on a stipulated date, their estimates of total revenue and expenditure to be covered by the State Revenue Fund during the following financial year (Lebowa, Estimates of Revenue and Expenditure, 1985:ix).

Accounting Officers coordinate estimates in their respective Departments. They should be convinced of the necessity of every service provided for, and ensure that all new services have Treasury approval for inclusion in the estimates. Estimates are then sent to the Treasury under cover of an explanatory memorandum (Easton 1979:72).

The tasks performed by the various government departments in Lebowa can be likened to those of subsystems of the political system of the territory. These subsystems are the source of most demands that are the inputs of the government. In addition, these subsystems serve as gatekeepers, that is, they receive expectations, opinions, preferences, demands or wants from the members of the political system. These demands are subjected to rational analysis and aggregation (Pheme 1988:81).

The ultimate objective of these intermediary processes is to convert articulated and aggregated interests and demands into a form that can
conveniently be managed through a budget by the political decision makers (Pheme 1988:82).

In this sense, the preparation of a budget by the government departments in Lebowa serves as an effective function of aggregation because the budget represents the aggregated needs and demands of members of the political system in the form of financial estimates.

When the aggregation function of preparing the estimates, as described above, has been accepted in principle by the Minister of Finance and the Cabinet, it does not mean that the funds concerned may simply be spent. The collection and expenditure of funds must be approved by the Lebowa Legislative Assembly (Black States Constitution Act 21 of 1971, sections 6, 7 and 8). The process whereby the Legislative Assembly approves the budget will be discussed under Chapter 4 (Rule-making) below.

As has been shown, Government Departments in Lebowa perform the interest aggregation function reasonably effectively at the central level.

4.2.2 TRADITIONAL STRUCTURES

Traditional structures, namely the Headman's court and the Tribal authority under a Kgoshi (Chief), play a significant role in performing the interest aggregation function in the Lebowa political
process. In paragraph 3.2.3 of chapter 3 on "interest articulation" above, mention was made of demands articulated at Headman Makgakga's village court by residents.

These demands were aggregated and sifted by the Headman and his councillors before submission to the Tribal Authority or relevant body. At this level, the aggregation process usually take place through intensive discussions. The aggregated demands are presented to the Tribal authority by either the Headman and some of his councillors or his representatives (author's observation).

Paragraph 3.3.4.5 of chapter 3 above (Traditional channels of access) deals with the performance of the interest aggregation function at the tribal level. The tribal authority concerned aggregated the demands articulated by the respective Headmen before submission to different departments of the Lebowa Government (Bakone Tribal Authority Meeting, Minutes, 29 June 1989).

4.2.2.1 TRIBAL AUTHORITIES

A tribal authority must be established in respect of the area assigned to a Kgoshi (Chief) or a Ntona (Headman) of the tribe concerned (Act 68 of 1951, Section 2 (3)). The Lebowa Government may, with due regard to the law and the custom of the tribe concerned, establish a tribal authority in respect of a tribe (Act 68 of 1951, Section 2 (a)). Only the Chief and some of his councillors
and Headman, including such other members of the tribe as the Chief may from time to time, with the concurrence of the councillors holding office, appoint as councillors, constitute a tribal authority (R.S.A.: Proclamation R115, 1969, Schedule A, Section 1). There are no elected members serving in these tribal bodies in the Lebowa political system.

4.2.2.2 COMMUNITY AUTHORITIES

A community authority may be established by the Lebowa Government in respect of the area or areas assigned to communities or tribes. Community authorities are established in respect of independent communities, that is, communities without hereditary Chiefs. A community authority is composed of a chairman and councillors elected by the inhabitants of the area of the community authority. The chairman, vice-chairman, secretary and treasurer are the main office bearers (Act 68 of 1951).

4.2.2.3 REGIONAL AUTHORITIES

The Lebowa Government may, with due regard to indigenous law and custom, establish a regional authority in respect of any two or more areas for which tribal and community authorities have been established. The members of a regional authority shall come from every tribal and community authority within the area of the regional
authority on the following basis: the Kgoshi of each tribe and one tribal representative designated by such tribal authority; and the chairman of each community authority and one designated councillor. An executive committee consisting of a chairman and three members, conducts the business of the regional authority between meetings. No popular elections are conducted for membership of these bodies (R.S.A. Proclamation R115 of 1969).

4.2.3 POLITICAL PARTIES

The political party is regarded as the most specialised aggregation structure in modern communities. In the absence of such structures, problems may arise, which would result in a breakdown in the systematic consideration of the full range of articulated demands.

In a competitive political system, parties aggregate certain interests in the form of a series of policy proposals. Parties then attempt to achieve victories at the polls to place in a position of power decision makers who formulate decisions on the strength of the preconceived aggregated policy structure. Almond and Powell suggest that the party may, or may not, be a major interest aggregator in non-competitive systems. Therefore, parties may fulfil less significant roles in interest aggregation in such systems (Almond & Powell 1966:102).
In analysing the role of competitive parties in interest aggregation, consideration should not only be given to the individual parties, but also to the structure of parties, electorates, electoral laws, and policy making bodies that interact in a competitive party system. The two party system is conducive to strong aggregation policy by political parties because of the broader scope of responsibility to electorates accorded to parties (Almond & Powell 1988:93).

While the ideas of Almond and Powell are mainly applicable to developed political systems, Lebowa is a largely traditional political environment. For the purposes hereof, it is, therefore, also necessary to examine the position of the Lebowa People's Party (LPP) in respect of traditional structures.

Although Lebowa is constitutionally a multi-party system, only one party is presently established and registered in the territory. This is the Lebowa People's Party (LPP). As suggested by the absence of other parties, this single ruling political party reigns supreme. The structural composition, functions and the aggregation process of the Lebowa People's Party at branch, division, National Executive Council and Congress level will now be discussed.
4.2.3.1 THE LEBOWA PEOPLE'S PARTY (LPP)

4.2.3.1.1 PARTY ORGANISATION

The nature of the organisational structure of the LPP is designed to accommodate not only people within the borders of Lebowa, but also people from other parts of the Republic of South Africa such as the West Rand, East Rand, Vaal Triangle and Pretoria (LPP Constitution 1979:11-12). This is achieved effectively through the establishment of branches, divisions, the National executive and the annual congress. The composition (structural aspects) and the functions of these bodies will be discussed to facilitate the understanding of the aggregation process within this party.

4.2.3.1.1.1 BRANCHES AND BRANCH COMMITTEES

(a) Composition: Not less than 20 members constitute a branch and no branch is exclusively established for any race, colour or creed. Branches can be established in every electoral division and they have to confine themselves to the boundaries determined by the divisional committee or the National Executive Council (N.E.C.).

For purposes of supervision and control, a branch committee consists of 4 members and is
elected annually by every branch. It comprises a chairman, a vice-chairman, a secretary and a treasurer. The constitution empowers the branch committee to co-opt a member in case a vacancy occurs, subject to approval at the ensuing branch meeting (LPP Constitution 1979:5 & 7).

(b) Functions: For purposes of this chapter, only those functions related to the interest aggregation function will be discussed. The duties and functions of branches and branch committees may briefly be outlined as follows: to aggregate the diversity of interests articulated by branch members before submission to the higher bodies. They usually consider resolutions emanating from motions containing specific demands of the branch members during branch meetings. These aggregated demands are then submitted to higher levels for further consideration, or to recruit and to enlist new members from whose ranks party leaders usually emerge. Unconditional, active and wholehearted support should be given to by the branch to the party's candidates during elections (LPP Constitution 1979:7 & 8).

Every branch in so far as is possible, holds quarterly meetings at a suitable place and
time. Agenda items for the congress are drafted by branches and forwarded to the National Executive Council at least six weeks before congress. These agenda items represent the aggregated interests from the branch level (LPP Constitution 1979:6).

4.2.3.1.1.2 DIVISIONAL COMMITTEES

(a) Composition: A divisional committee is composed of a chairman and a secretary from each branch within the electoral division concerned. The following office bearers are elected by the divisional committee. The chairman, the vice-chairman, the secretary and the treasurer. These office bearers together with as many additional members as the divisional committee may determine, exercise the full authority and powers of the divisional committee (LPP Constitution 1979:9).

(b) Functions: "The duties and functions of a divisional committee shall be:
(1) to promote effectively the interest of the party in its electoral division in consultation where practicable with the branch committee;

(2) to ensure that all branches in the electoral division shall hold their annual meetings after the annual congress and before the 30th March;

(3) to forward to the Head Office not later than the 30th April the names and addresses of office bearers of all branches in the electoral division;

(4) to forward to the Head Office, not later than the 30th of April in every year, a general report of the activities of the divisional committee and on the general conditions in the electoral divisions;

(5) to do every thing in their power to win the elections for the party and to assist the party candidates in every possible way". (LPP Constitution 1979:9 & 10).
This body also performs an aggregation function because it has to sift through articulated interests from the lower bodies of the parties before they are allowed access to the National Executive and the Annual Congress for final consideration. The divisional committee also coordinates diverse aggregated demands received from branches before submission to the higher bodies of the party.

In practice, however, the divisional committees of the LPP have never played an active role in this regard as most branches have enjoyed direct access to the National Executive Council (authors' observation).

4.2.3.1.1.3 THE NATIONAL EXECUTIVE COUNCIL (N.E.C.)

(a) Composition: "The N.E.C. shall consist of: the leader who shall be elected by parliamentary party caucus, Cabinet Ministers, chief whip of the LPP and his deputy, treasurer-general, chairman of congress, organising secretary, assistant-organising secretary, secretary general, assistant general secretary, one kgoshi representative, one member from the following constituencies or regions: Sekhukhune, Moutse, Mokerong, Naphuno, Bolobedu, Nebo, Sekgosese, Seshego, Thabamoopo, Mapulaneng, West Rand, East
Rand, Vaal triangle and Pretoria. One member from the following groups: Women MP's, Women Commoners, Youth organisation and the representative of Chiefs" (LPP Constitution 1979:11).

All other members mentioned above shall be elected at an annual conference and shall hold office for three years, with the exception of Ministers, the chief whip and his deputy, the chairman of congress and his vice-chairman who are ipso facto members of the N.E.C. The chairman and his vice-chairman, and the secretary of congress shall ipso facto hold the same positions on the N.E.C. (LPP Constitution 1979:12).

(b) Functions:

The duties and functions of the N.E.C. include the convening of the annual and special congress of the party. It must submit a detailed report on its activities and party matters, and all items submitted by branches for discussion at the congress (subject to the N.E.C.'s approval) annually to the congress in committee. This body shall further supervise all the subordinate bodies and committees in the carrying out of
their duties. It also regulates all matters pertaining to elections.

Consequently, the N.E.C. must do everything necessary to promote the interests and organisation of the party, including the supervision of the Head Office (LPP Constitution 1979:13-14). The final aggregation of demands and issues before submission for consideration to the congress is also the responsibility of the N.E.C.

4.2.3.1.1.4 THE CONGRESS

(a) Composition: The congress is the highest authority of the party and is constituted as follows: "All members of the N.E.C., one delegate from a branch with less than 200 members (2 delegates from a branch with 200 or more members), members of the Lebowa Legislative Assembly and Dikgoshi (Traditional Chiefs) of Lebowa who are members of the party" (LPP Constitution 1979:15). All these persons are entitled to vote on any matter. A congress must be held annually in Lebowa at
a place and time to be determined by the National Executive Council (N.E.C.).

(b) Functions: The functions of the congress include policy making for the party and the election of the leader of the party. It is also the duty of the congress to consider all reports submitted by the National Executive Council, e.g. financial and general reports.

The congress is expected to discuss all matters appearing on the agenda and to take decisions thereon. It must also, where necessary, amend the constitution from time to time in the interests of the party (LPP Constitution 1979:16). The aggregation function at this level of the party is performed on a very limited scale.

4.2.3.1.2 METHODS OF AGGREGATION IN THE LPP

As has been shown, the machinery for the aggregation process in the Lebowa People's Party is well entrenched and adequately provided for at all levels in the party's constitution. Theoretically, anyone enrolled as a member of the Lebowa People's Party has the right to propose at a meeting of his branch a resolution on any matter
pertaining to the programme of principles and programme of action of the party, on the policy of the government and the decisions of the Executive Council or Cabinet to do with any of the existing government departments.

In practice, due to certain limiting factors, this is not always possible in Lebowa. The prevailing traditional tribal structures have for centuries been fulfilling the articulation and aggregation functions, long before the introduction of parties into the Lebowa political process. The party system is, therefore, still a strange phenomenon to the people of Lebowa and the people still resort to their traditional tribal structures for the articulation and aggregation of their political demands. In some of the districts in Lebowa party branches do not exist.

Often tribesmen join the party solely on the instruction of their traditional leader (Kgoshi or Headman). As a result, their membership is most often inactive and passive as they are wholly unaware of their rights and obligations as party members. It is still difficult for the most inhabitants of Lebowa to differentiate between the ruling party's activities and those of the government or State.

While the role of the Lebowa People's Party in the fulfilment of the interest aggregation function needs to be acknowledged, it should be stated clearly that the aggregation function is performed largely outside the party machinery. When the party does perform this
function, the flow of communication within the party is usually from top to bottom, with rank and file members rarely initiating the process (author's observation).

4.3 ELECTIONS AS A FUNCTION OF AGGREGATION

The structural aspect of this conversion function (interest aggregation) has been dealt with. The Lebowa People's Party was discussed as a political party involved in interest aggregation. The focus will now shift to the more dynamic aspects of interest aggregation, and especially the role of the political party therein. In this respect, elections are extremely significant for the aggregation of interests by parties and their candidates.

The first general election in Lebowa in 1973 was not contested on a party political basis. "In the Lebowa rationalization of campaigns resulted in the formation of groups of candidates, who established political parties soon after the first elections in support of the new incumbent Chief Minister or the contender for that post" (Kotze 1978:127). The political parties established shortly after this first election were the ruling Lebowa People's Party and the Lebowa National Party. The opposition Lebowa National Party voluntarily dissolved in March 1974 after the first elections (Kotze 1978:129).

The 1978 and the 1983 general elections in Lebowa were also not contested on party political bases, but the 1989 general election was
contested on this basis. The ruling Lebowa People's Party being the only registered party, was challenged by numerous independent candidates. The main issues during the election campaign were:

(a) Participation or nonparticipation in the envisaged National Statutory Council.

(b) Ways and means of scrapping apartheid laws.

(c) The administrative procedure regarding the supply of books and stationery to schools in Lebowa by the government.

The LPP organized several rallies specifically with a view to explaining these issues (see Annexures A, B, C, D, E, F, G and H to this chapter).

During the election campaign all candidates standing for election to the Lebowa Legislative Assembly aggregated the articulated interests and demands of their voters into a set of policy proposals and a programme of action. These were published by the LPP and the individual candidates in documents usually referred to as "Election Manifestos", with the aim of gaining victory at the polls to install decision makers who would use the previously aggregated policy structure as a basis for rule making.

Different election manifestos were distributed by the LPP election candidates and the independent candidates. The LPP had no uniform
aggregated policy structure or common election manifesto for its candidates. Instead, candidates individually worked out their own election manifestos according to the needs and interests of their particular constituencies (author's observation).

This lack of uniformity with regard to an aggregated policy statement by party members during elections was encouraged by the fact that the party leadership at the branch level failed to regulate the nomination of candidates for election. As a result, in several constituencies, the LPP nominated more candidates than the number of seats allocated to those particular constituencies which meant that LPP candidates actually opposed each other. This promoted disunity and an unhealthy competition between party members (author's observation).

The two different election manifestos prepared and presented by two LPP election teams in the constituency of Bochum serve as a good example to illustrate this point. The two election manifestos were in complete opposition to one another and, therefore, failed to advance any uniform aggregated policy statement to the voters on behalf of the LPP. For further details see Annexures A and B to this chapter.

In this instance, the party failed to coordinate the aggregation process of the party during the election campaign. In many constituencies the LPP, however, did not experience this problem. Most of the LPP candidates worked out comprehensive and well
aggregated election manifestos covering diverse interests and demands of the voters. The election manifestos issued by the LPP candidates in the Naphuno and Thabamoopo constituencies are examples of such an instance. These manifestos are contained in Annexures C and D to this chapter.

The independent candidates in all the constituencies also played a significant role in aggregating diverse interests and demands through election manifesto documents. Their aggregated policy statements lacked uniformity because they were not bound by conditions of party membership. The election manifestos issued by the independent candidates in the Sekhukhune and Seshego constituencies are contained in Annexures E, F and G to this chapter.

The contents of all the election manifestos as contained in the Annexures to this chapter serve to illustrate the effectiveness of elections as a function of aggregation in the Lebowa political process.

4.3.1. ELECTORAL DIVISIONS

Since Lebowa became a self-governing territory on 2 October 1972 until the 1983 general election, the 12 magisterial districts or regional authority areas within the territory were used as electoral divisions. Since then, and particularly after the Moutse electoral division was incorporated into KwaNdebele, there are only eleven
electoral divisions (Lebowa Electoral Proclamation R226 of 1972 Section 4).

There shall be a polling station at the seat of the returning officer for each constituency and at such other places within his area of jurisdiction as he may deem necessary (Lebowa Electoral Proclamation R226 of 1972 Section 6). During the 1989 general election in Lebowa, more than 2600 polling stations were established to cater for voters inside and outside the boundaries of Lebowa.

4.3.2 ELECTORAL OFFICERS

In terms of the Electoral Proclamation, the Minister shall appoint an electoral officer for Lebowa who is an officer of the Lebowa Government service or an officer of the public service of the Republic who has been designated in terms of section 5 (4) of the Black States Constitution Act, 1971 (Act 21 of 1971), to assist the Cabinet of Lebowa. The electoral officer is responsible for the conduct of the election of members of the Legislative Assembly (Proclamation R226 of 1972 Section 2).

The electoral officer in turn appoints district Magistrates ex-officio as district control officers and returning officers for the areas over which they exercise jurisdiction. A returning officer may appoint as many deputy returning officers, polling officers, and witnesses as he may deem necessary to assist him during elections.
During the 1989 Lebowa general elections, senior civil servants from both the Lebowa and the R.S.A. including school teachers, were engaged as deputy returning officers, polling officers and witnesses.

### 4.3.3 REGISTRATION OF VOTERS AND THE VOTERS ROLL

Provision for the registration of voters was made for the first time in preparation for the 1989 general election in Lebowa (Lebowa General Election Act 7 of 1988). During the 1989 election the majority of voters were registered on the day of the election largely because the people of Lebowa were not yet acquainted with the process of registration. As a result, the voters roll could not be compiled in advance.

### 4.3.4 REPRESENTATION

Conflict over the delimitation and redelimitation of constituencies within a country often has a long history. There are certain factors or directives to be considered when the delimitation of constituencies is undertaken. In a country such as the Republic of South Africa, these factors are clearly stipulated in the Electoral Act, 1946 (Act 46 of 1946 as amended). Kleynhans summarised these factors as follows (1977: 14-15):

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(a) Community or diversity of interests.

(b) Means of communication.

(c) Physical features.

(d) Boundaries of existing constituencies.

(e) Sparcity or density of population.

(f) Probability of increase or decrease in the population.

(g) Boundaries of local administrative and magisterial districts.

In the Republic of South Africa, the task of delimitation or redelimitation is periodically entrusted to a delimitation commission consisting of three Supreme Court judges appointed by the State President (Constitution and Election Amendment Act 79 of 1973).

Lebowa is divided into eleven constituencies and has a multi-member constituency system. Constitutionally, there are no legal norms or rules governing the delimitation or the redelimitation of constituencies in Lebowa. No redelimitation of constituencies has taken place in Lebowa since the first general election in 1973. For the past 16 years Lebowa has had the following electoral divisions and representatives per electoral division:
<table>
<thead>
<tr>
<th>ELECTORAL DIVISION</th>
<th>NUMBER OF ELECTED MEMBERS</th>
<th>VOTES CAST IN 1989 GENERAL ELECTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Seshego</td>
<td>4</td>
<td>114 805</td>
</tr>
<tr>
<td>2. Sekhukhune</td>
<td>7</td>
<td>188 565</td>
</tr>
<tr>
<td>3. Thabamoopo</td>
<td>4</td>
<td>117 900</td>
</tr>
<tr>
<td>4. Mokerong</td>
<td>6</td>
<td>145 395</td>
</tr>
<tr>
<td>5. Naphuno</td>
<td>2</td>
<td>50 198</td>
</tr>
<tr>
<td>6. Namakgale</td>
<td>1</td>
<td>4 410</td>
</tr>
<tr>
<td>7. Bolobedu</td>
<td>3</td>
<td>50 745</td>
</tr>
<tr>
<td>8. Sekgosese</td>
<td>2</td>
<td>43 971</td>
</tr>
<tr>
<td>9. Bochum</td>
<td>2</td>
<td>31 831</td>
</tr>
<tr>
<td>10. Nebo</td>
<td>5</td>
<td>163 571</td>
</tr>
<tr>
<td>11. Mapulaneng</td>
<td>2</td>
<td>40 657</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>38</strong></td>
<td><strong>952 048</strong></td>
</tr>
</tbody>
</table>
4.3.5 NOMINATION OF MEMBERS

4.3.5.1 PARTY NOMINATIONS

The LPP's constitution provides no specific rules or procedures governing the nomination of candidates. The responsibility for this task vests in the National Executive Council (LPP Constitution 1979:14). According to the policy and budget speech of the Minister of Home Affairs (1989:30), the party fielded 70 candidates as against 81 independent candidates during the 1989 Lebowa general election. It is interesting to note that the party nominated 32 candidates more than the 38 seats available in the Legislative Assembly for elected members. This resulted in personal clashes and conflict between some of the party candidates in constituencies such as Bochum, Thabamoopo and Mokerong (Cf. those Annexures to this chapter that are LPP election Manifestos distributed in these constituencies by members who opposed each other).

4.3.5.2 OFFICIAL NOMINATIONS

The returning officer in charge of an electoral division determines the day and the place on which candidates for an election in that
division will be nominated in terms of the Lebowa Electoral Proclamation (R226 of 1972). The nomination court sits from 09h00 until 12h00 on the day in question.

In terms of section 11 of Proclamation R226 of 1972, it is stipulated that:

If at a sitting of a nomination court a greater number of candidates than the number of members to be elected for that division have been duly nominated, the returning officer shall before the closing of the sitting of the nomination court require that there be deposited with him, by or on behalf of each person so nominated, the sum of R500 in cash.

During the 1989 Lebowa general election 151 candidates were officially nominated to contest the 38 seats available for elected members in the Lebowa Legislative Assembly.

4.3.5.6 ELECTION RESULTS

In terms of section 31 of the Lebowa Electoral Proclamation (R226 of 1972), the returning officer shall upon completion of the counting of votes, forthwith advise the electoral officer by registered post in a sealed envelope of the outcome of the election in his district.
The electoral officer, upon receipt of these results from all returning officers, proceeds to open the sealed envelopes in the presence of two witnesses who are Magistrates, and determines the results of the election. The electoral officer and such witnesses certify in writing the results so determined as correct, and forthwith declare the winning candidates elected (Proclamation R226 of 1972, Section 34).

A common complaint among voters in Lebowa is that the results of elections are announced several days after the polling day. In the 1989 general election the results were announced seven days after the polling day.

4.4 **STYLES OF INTEREST AGGREGATION**

According to Almond and Powell's structural functional model, there are at least three different styles of interest aggregation. These are termed pragmatic bargaining, absolute value oriented, and traditionalistic interest aggregation (1966:108). These three styles of interest aggregation and their applicability to the aggregation process in the Lebowa political system will be examined below.
4.4.1 THE PRAGMATIC BARGAINING STYLE

This style of interest aggregation characterizes aggregation in such systems as are found in the United States of America and Great Britain. A wide variety of interests are brought together and reduced to a limited number of policy alternatives in these countries. "This aggregation is sometimes guided by more general ideological perspectives, but the accommodation of diverse interests is its more notable characteristic. Compromise and the 'atmosphere of the market-place' dominate the aggregation process, whether the function is performed by party, legislature, or cabinet" (Almond & Powell 1966:108).

The narrowing down and combining of policy wishes cannot be easily discerned in noncompetitive party systems such as that of Lebowa. The elements of this style of aggregation are, however, observable not only within the Lebowa People's Party, but also at Cabinet and legislative level in Lebowa. On the other hand, it should be pointed out that "compromise and the 'atmosphere of the market place'" which regulate aggregation in countries such as the United States and Great Britain, are not yet fully prevalent in Lebowa because of limiting factors such as traditionalism and the prevailing parochial political culture which have already been dealt with.
4.4.2 THE ABSOLUTE VALUE ORIENTED STYLE

This style of aggregation "refuses to compromise the principles of policy for the sake of accommodating diverse interests.... The aggregator works out the 'logical' solution to a problem and develops policy to correspond to it. Interests are aggregated in strict accordance with the theoretically perfect solution" (Almond & Powell 1966:108). A good example hereof is the National Party of the Republic of South Africa and its policy of separate development.

Elements of this style of aggregation are also observable within the Lebowa People's Party, although not in a strong form. There are certain policy principles regarding specific sensitive issues which the Lebowa People's Party may not compromise for the sake of accommodating diverse interests. A good example hereof is "the entrenchment and the protection of traditional Chieftainship in the Lebowa" (LPP Election Manifesto, 1989). A second example is the principle of "non negotiability of the so-called independence for the self-governing states as designed by the R.S.A. Government through its policy of separate development" (LPP Constitution 1979:3).

4.4.3 THE TRADITIONALISTIC STYLE

"Traditionalistic styles of aggregation rely upon the patterns of the past in suggesting policy alternatives for the future.... Such aggregation is typical of systems in which the resources and energies
of most members of the society are committed by the social and economic patterns of the traditional culture to long-established and prede­termined goals" (Almond & Powell 1966:109).

As has been stated, many of the people of Lebowa still use traditional tribal structures for the articulation and aggregation of their political demands. The introduction of the party system was a recent phenomenon in the Lebowa political system. Traditional leaders still play a significant role within the structures of the Lebowa People's Party in respect of the aggregation function.

From the above, it is evident that elements of all three styles of aggregation as described by Almond and Powell, namely, the pragmatic bargaining style, the absolute value oriented style, and the traditionalistic style are to be found in the Lebowa People's Party's aggregation style. The elements of the traditionalistic style are, however, stronger than those of other styles.

4.5 CONCLUSION

From the discussion above, it is evident that both the bureaucracy and the political party - regarded by Almond and Powell to be the most likely candidates for this specialised role - are to be found as aggregation structures in Lebowa, although they do not fulfil this function equally. The bureaucracy in Lebowa performs the interest aggregation function at the tribal, regional, and central authority
levels. The significant and important role played by district Magistrates in this regard was emphasised.

At the central level, the various government departments also perform the aggregation function. The preparation of a budget by these departments was highlighted as a function of aggregation.

Elections in Lebowa were also discussed as a function of aggregation. In this regard, some election manifestos were briefly referred to.

The political party is not a major interest aggregator in the Lebowa political system at present. The people of Lebowa, to a large extent, still understand and use traditional tribal structures for the articulation and aggregation of their political demands. Since the first general election in Lebowa during 1973, the ruling Lebowa People's Party has failed to make any significant impact as a major interest aggregator. The organizational structure of this party clearly accommodates and provides for channels of communication for the articulation and aggregation of interests, but as already mentioned, the parochial political culture presently prevalent in Lebowa is not conducive to a free and democratic party political system.

In referring to several factors which contributed to the decline of opposition not only in Lebowa but in all Homelands, Prof. D.A. Kotze commented as follows (1978:129):
Homeland based parties operating there rely largely on existing traditional structures for organization and recruitment of support, particularly on the Chiefs and Headmen and their councillors. Unsurprisingly, tribalism is one of the greatest divisive influences in homeland politics. Chiefs and Headmen are totally dependent on the homeland governments for their remuneration as minor government functionaries, for official recognition of the status by which they become eligible for membership of local authorities and legislative assemblies, and which entitle them to act as the mouthpieces of their communities. Threats of withdrawal of scarce resources from communities overtly supporting opposition parties, and the allocation of resources to communities which support the ruling party, have proved to be effective in convincing many rural communities to support the governing parties.

This statement provides support for the point made earlier about the role of traditionalism in the Lebowa political process. While the interest aggregation function is performed by many structures, the traditional structures are still dominant in Lebowa. The next chapter will deal specifically with rulemaking.
LEBOWA ELECTIONS
1989
BOCHUM

L.P.P. CANDIDATES
BATHEKGI BA L.P.P
12 APRIL 1989

TEACHERS, STUDENTS, "BARUTI", HON. MAGOSHI, VOTERS IN GENERAL, PLEASE
CHECK AND ANALYSE THE QUALITIES OF THESE CANDIDATES BEFORE YOU DECIDE
TO MAKE YOUR CHOICE: VOTE FOR THE BEST TWO ONLY

1. MR. S. MORATA (Independent)
   (a) No experience as a politician
   (b) Educational standards - questionable
   (c) His I.Q. must be tested for fitness

2. MR. N.P. CHULA (/Home-made L.P.P. member)
   (a) No experience as a politician
   (b) His I.Q. must be tested for fitness
   (c) Educational qualifications - questionable
   (d) He looks a "Moruti" not a "Politician"

3. MR. MOLELE (Independent)
   (a) No experience
   (b) Standard of education not enough
   (c) Not fit as a politician

4. MR. OLIVER LEBoho (Independent)
   (a) A born teacher - not a politician
   (b) No previous experience in politics

5. MR. TLOUBATLA (Independent)
   (a) No previous experience
   (b) Fit as a policeman, not as a politician

6. MR. V.B. LETLALO (L.P.P. Member)
   (a) Experienced - Municipal elections
   (b) An orator by birth - A hard worker
   (c) An ex - teacher, wood work instructor
   (d) A senior SANTA Official - Health Educator
   (e) An ex - municipal clerk
   (f) A founder member of L.P.P. - Reef areas

ELECT THIS MAN AND BOCHUM WILL PROSPER

7. MR. M.T.D. LEBoho (L.P.P. Member)
   (a) He has 15 years experience in politics but failed to achieve anything for Bochum
   (b) He was once demoted as Deputy - speaker because of poor performance
   (c) He makes promises which never come true (e.g. railway from Pietersburg to Brompiek)
   (d) He should be asked to step down as a 1989 candidate
   (e) He should be loyal to his "Kgoshi" (This is a serious state of affairs)

8. MR. M.D. KOBE (L.P.P. Member, Deputy Minister of transport & traffic)
   (a) Ten years of fruitful service to the Bochum constituency & to Lebowa as a whole
   (b) HERE IS YOUR MAN: VOTE HIM TO PARLIAMENT
   (c) He is Bochum's BEST politician
   (d) He possesses the best I.Q. needed for a politician
   (e) He is presently a Cabinet Minister (Deputy)
   (f) He has been a Minister less than a year and he has given Bochum the following:
       1) A college of education
       2) Tarred road from Bochum to Dendron
       3) Improvement of Helen Frans Hospital
       4) Permits for the Bochum Taxi Association
       5) Improvements to all roads in Bochum
       6) A stadium is on the way
       7) To Magoshi: More land is my serious desire and ambition for the Bochum people

N.B. MAKE NO MISTAKE, IF BOCHUM IS TO SURVIVE VOTE FOR
M.D. KOBE and V.B. LETLALO
A. **CHULA NAKEDI PHINEAS**

1. KE SEBOLEDI SE SE TUMILENG.
2. O TSEBA DIPOLITIKI THWII.
3. O APOLOTŠE TŠE KOBE A DI DIRANG KWA TIKWA.

B. **LEBOHO MAXWELL TEBELLO DAVIDSON**

1. KA 1975 KE THOMILE GO BOLELA KA TRAINING COLLEGE GE BETHESDA E HUDUGA.
2. KA 1975 KE BOLETŠE KA MEGOLO TA BATŠOFADI LE GORE £,OKETŠWE. O BE A LE KAE?
3. KA 1978 KA BA MODULA-SETULO WA ADVISORY BOARD YA TŠA TEMO GO FIHLELA LEHONO.
4. KA 1983 KA BA MODULA-SETULO WA TŠA MAPHELO GO FIHLELA LEHONO. O TSEBANG?
5. KA 1986 KA ROLA MODIRO WA BO-SPEAKARA KA GE KE BE KE FAHLEGA.
6. KA 1989 KA BOELA KA KGOPELWA GORE KE BEMOTLATŠA SPEAKARA KA BAKA LA BOKGONI SEPETLELE SA HELENE FRANZ SE OKEDITŠWE KA KGOPOLLO YA KA LE TA MOHU DR MACHUPYE.
7. SEPETLELE SA BLOUBERG LE SONA RE TLA SE OKETŠA KA TŠONA DIKGOPOLLO TŠA RENA.
9. KE ROMETŠE BAĮÉNYANA BA 12 KWA JANE FURSE LE MOKOPANE GO ITHUTELA BOOKI.
10. KE ROMETŠE BAŠIMANE KWA TURFLOOP LE KWA TOMPI SELEKA.
12. BATSO GO BA BEGO BA BETHIWA, KE BA RWELE KA KOLOI GO BA ISA BOCHUM.

C. **KOBE DONALD MOLAMU** (GA ROLE MODIRO PELE A MAKALA)

1. KE MOTHO WA SEKGOSESE GA SE MOTHO WA BOCHUM.
2. KE SEBAKA BOGOŠI LE SELWELA MAEMO.
3. O TLOGILE GA RAMOKGOPA A TŠHABA KA GORE O BE A TSHEPŠITŠE BATHO TSOKO GO HUDUŠA BATLÕKWA.
4. GE A FIHŁA INDERMARK A LWELA BO-NTONA LE MORENA MOSHOKOA.
5. O PALE TŠWE KE GE THUŠA BO-RADI TAXI BA BOCHUM KA "DI-CF".
6. KE TOHLA. O LWEŠA KGOŠI TA BAHANANWA LE BAREKI BA BOCHUM.
7. O THOMILE LEKGOTLA LA TIKWA A NYAKA REGIONAL AUTHORITY YA TIKWA.
8. KOBE M.D. GA TLOGELE GO BAKA BOGOŠI; TŠA DIPOLITI; LE GO BAKA MAEMO.
9. SEPORO GO YA ALLDAYS SE TLA A GIWA GE TOROPO YA ALLDAYS E FELA GO AGIWA.

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MOTHWA LENANA!

DIKGETHO: 1989: GENERAL ELECTION

LOVE & PEACE - RECONCILIATION & RECONSTRUCTION
DEEDS SPEAK LOUDER THAN WORDS: MEDIRO E A BOLELA

1. THE EX-MAYOR OF LENYENYE TOWN COUNCIL: E BILE RAMOTSE WA LENYENYE.
2. THE EX-MINISTER OF PUBLIC WORKS (LEBOWA): TONA YA KGORO YA MEDIRO.
3. THE EX- AND THE 1ST MINISTER OF ECONOMIC AFFAIRS & PLANNING: TONA YA MATHOMO YA KGORO YA BOIPHE DISO.
4. THE PRESENT GOVERNOR (CHIEF MINISTER) OF LEBOWA AND LEADER OF L.P.P.: TONAKGOLO YA LEBOWA LE MOETAPELE WA L.P.P.

Compiled by M.N. Ramodike of Naphuno District and Printed by Boulevard Printers, P.O. Box 1370, Tzaneen 0850 Tel: (016) 233 2006/1/2
1. Bogoshi shall be placed in its right position in terms of Black Customs.
2. Agriculture shall be upgraded and shall receive our utmost consideration.
3. Education shall receive our serious consideration on our Agenda.
   e.g. Career Guidance shall be introduced in Lephalale.
4. Commerce and Industries: Local and overseas investors will be encouraged to invest in Lephalale.
5. Public Services: shall be looked into: Efficiency and Workmans spirit shall be encouraged.
6. Public Servants Association shall be revived and given the right of association in the Government Services.
7. There shall be Justice for all in Lephalale.
   i) Judiciary shall be free of interference by Politicians
   ii) Police code of ethics shall seriously be considered.
8. Health: Hospitals shall be provided where there is a need.
   a) Local and overseas Doctors will be encouraged to work in Lephalale Hospitals.
   b) Welfare: Monthly pay for Pensioners shall be introduced timeously.
9. Mining Industry shall be attended to: Local and Overseas mining houses shall be encouraged to explore mineral resources in Lephalale.
10. Negotiations with the central Government for more land, better and peaceful future for all South Africans will be continued.
11. We will strive for the Bill of Rights for all South Africans:
   a) Equal rights for all.
   b) Equal share of wealth in South Africa.
   c) Equal share of land.
   d) Equal pay for equal work.
   e) Same education.
   f) Freedom of labour.
12. The so called Independence for National State is non-negotiable.
   a) We will seriously consider communications with youth organisations in order to bridge the generation gap.
   b) We will consider communications with other Natioinal States and organisations.
13. The provisions of infrastructure in all areas of Magoshia will be seriously attended to.
1. I SHALL STRIVE FOR THE POLITICAL DEVELOPMENT OF THE PEOPLE OF LEBOWA WITHIN THE CONTEXT OF SOUTH AFRICA AS A WHOLE.

2. I SHALL STRIVE FOR A NON-RACIAL, UNITARY SOUTH AFRICA BASED ON FREE MARKET ECONOMY AND MULTI PARTY DEMOCRACY.

3. I REJECT THE ETHNIC INDEPENDENCE FOR LEBOWA AND PERPETUATION OF APARTHEID.

4. I REJECT DETENTION OF PEOPLE WITHOUT TRIAL.

5. I SHALL STRIVE FOR THE UNCONDITIONAL RELEASE OF POLITICAL PRISONERS AND MORATORIUM FOR POLITICAL EXILES.

6. I WILL STRIVE FOR THE BUILDING OF ADDITIONAL CLINICS AND HOSPITALS.

7. I WILL STRIVE FOR THE IMPROVEMENT OF THE PENSIONERS PAYMENTS.

8. I WILL STRIVE FOR THE OFFERING OF BURSARIES TO PROSPECTIVE MEDICAL DOCTORS AND ENGINEERS.

9. I WILL STRIVE FOR THE IMPROVEMENT OF ALL THE NECESSARY INFRASTRUCTURE.

10. I WILL STRIVE FOR THE BUILDING OF ADDITIONAL TECHNICAL HIGH SCHOOLS AND TRADE SCHOOLS.

11. I SHALL STRIVE FOR THE ESTABLISHMENT OF A TECHNICON AND ADDITIONAL UNIVERSITY.

12. I SHALL STRIVE FOR THE IMPORTATION OF THE SUITABLY QUALIFIED TEACHERS FOR ENGLISH, MATHEMATICS AND PHYSICS.

13. THE IMPROVEMENT OF WATER SUPPLY FOR HUMAN CONSUMPTION AND FOR AGRICULTURAL PURPOSE SHALL RECEIVE HIGHEST PRIORITY.

14. I SHALL STRIVE FOR LOWER BANK INTEREST RATES ON BUSINESS AND HOUSING LOANS.

15. I SHALL STRIVE FOR THE ESTABLISHMENT OF ADDITIONAL INDUSTRIES, COUPLED WITH LOCAL PROCESSING OF OUR MINERALS.

16. I SHALL FIGHT AGAINST NEPOTISM, CORRUPTION AND CRIME OF WHATEVER DESCRIPTION.

17. I SHALL STRIVE FOR THE KEEPING OF RELIABLE POPULATION STATISTICS.

18. I SHALL RESPECT TRADITIONAL PRACTICES SUCH AS BOGOSHI, THE IDEA OF CANDLE WIFE AND INITIATION.

19. I SHALL STRIVE FOR NONE INTERFERENCE. BY THE GOVERNMENT IN THE INSTITUTION OF BOGOSHI FOR THIS IS THE PREROGATIVE OF BAKGOMA, KGADI, BAKGOMANA AND THE TRIBE CONCERNED.

20. I SHALL STRIVE FOR THE FORMATION OF STUDENT REPRESENTATIVE COUNCILS IN OUR SCHOOLS.

21. I SHALL STRIVE FOR THE RECOGNITION OF THE EXISTENCE OF TRADE UNIONS.
LEBOWA GENERAL ELECTION 1989
MANIFESTO FOR
MR TAUMANG PETER MAKOLA
OF THE
SEKHUKHUNELAND CONSTITUENCY

I STAND FOR THE FOLLOWING:
1. A UNITARY SOUTH AFRICA
2. FREE MARKET ECONOMY
3. MULTI-PARTY DEMOCRACY
4. ABOLITION OF APARtheid AND THE STATE OF EMERGENCY
5. NON-RACIALISM
6. FAIR DISTRIBUTION OF LAND
7. INDIVIDUAL OWNERSHIP OF PROPERTY
8. A BILL OF HUMAN RIGHTS TO SAFEGUARD INDEPENDENT RIGHTS
9. CONSOLIDATED LEBOWA
10. GEOGRAPHICALLY ENLARGED LEBOWA
11. PARDON FOR POLITICAL EXILES
12. UNCONDITIONAL RELEASE OF POLITICAL PRISONERS
13. UNBANNING OF POLITICAL MOVEMENTS

I STRONGLY REJECT THE FOLLOWING:
1. ETHNIC INDEPENDENCE FOR LEBOWA
2. DETENTION WITHOUT TRIAL
3. EXCESSIVE INCOME TAX RATES
4. EXCESSIVE BANK INTEREST RATES ON LOANS FOR BUSINESS AND HOUSING PURPOSES
5. NEPOTISM AND CORRUPTION
6. TRICAMERAL OR WHATEVER FORM OF SEGREGATED PARLIAMENT

IF ELECTED I SHALL STRIVE FOR THE FOLLOWING:
A. IMPROVEMENT OF INFRASTRUCTURE SUCH AS ROADS, BRIDGES, AND SUPPLY OF TELEPHONES AND ELECTRICITY TO THE COMMUNITIES
B. BUILDING OF ADDITIONAL SCHOOLS, CLINICS, HOSPITALS, TECHNICON AND A SECOND UNIVERSITY IN LEBOWA
C. IMPORTATION OF SUITABLY QUALIFIED TEACHERS FOR ENGLISH, PHYSICS AND MATHEMATICS
D. ADEQUATE WATER SUPPLY FOR DRINKING AND AGRICULTURAL PURPOSES
E. FORMATION OF WOMENS', YOUTH AND STUDENTS' ORGANISATIONS
F. FORMATION OF LABOUR UNIONS
G. LOCAL PROCESSING OF OUR MINERALS

Compiled by: Taumang Peter Makola, P.O. Box 73, Apelo, Sekhukhuneland 0730 — Printed by C&F Printers, Box 188 Lydenburg 1320
LEBOWA GENERAL ELECTIONS 12 APRIL 1989  
SESHEGO CONSTITUENCY  
No Independence for Lebowa  
FREE CANDIDATES FOR FREE ELECTIONS

We, your free candidates stand for:-

FREEDOM
1. No Independence for Lebowa.  
2. One Democratic South Africa  
3. Constitutional Protection of basic Human Rights  
4. Freedom of Religion  
5. Respect and protection of Bogoshi.

BOLOKOLOGI
1. Independence e a ila Lebowa  
2. Afrika-Borwa e tee ya Demokrasi  
3. Ditokelo tsa Setho-Setho  
4. Tumelo e lokologilego  
5. Tlhompho le tshireletso ya Bogoshi

EQUAlITY
1. Absolute Equality for all people  
2. Abolition of Apartheid in all its forms  
3. Equal Educational and equal medical facilities

TEKANELO
1. Go lekana ga batho kamoka  
2. Go fediswa ga Apartheid yohle  
3. Ditlabakelo tse swanago thutong le Kalafong

PROSPERITY
1. A free market Economy  
2. Improved infrastructure for Lebowa  
3. An Administration free of corruption

TSWelo-PELE
1. Ekonomi e lokologilego  
2. Metheo-tiro e kaone  
3. Puso e hlokago bohlaswa

FOR A FUTURE WITHOUT FEAR - VOTE FREE.  

Compiled by IKE MOLOKO  
Box 5, LONSDALE.

Printed By: Classmate Printers P.O. Box 2737 Pietersburg Tel. 71686
LEBOWA GENERAL ELECTION
1989 - 04 - 12

Mr. Sekgopela Winias Mashile
Mr. Matsikitsane Laynas Mashile

MAPULANENG CONSTITUENCY
FREE CANDIDATES

Vootelang Barwa ba Mashile bagale ba pale. Taelo ka setšhaba magareng ga tše dingwe, re ekemeseditše go Lwela University, Naga le di-intasitiri le tše dingwe.

Vote for Mashile Brothers. The true Leaders.
Mandate from the people,
amongst others we will fight for
Land issue, University, and industries etc. etc. ...
CHAPTER 5: RULE-MAKING

5.1 INTRODUCTION

If human beings are to live in close proximity to one another, certain rules imposing obligations and limiting conflict are inevitably needed. It is quite clear, however, that while the differentiation and full legitimation of the rule-making function is a relatively recent development, rule-making processes are present in some form in all political systems (Almond & Powell 1966:129 & 134).

The importance and indispensability of the rule-making function in any political system, be it traditional or modern, is stressed by the two authors. They prefer the concept "rule-making" to the term "legislation" because the latter seems to connote specialized structures and explicit processes (Almond & Powell 1966:132). "Thus, the problem of identifying the rule-making structures in political systems is one of specifying the whole set of agencies and institutions involved in the process, determining the kind of things they do, the way they do them, and how they interact to produce general rules" (Almond & Powell 1966:140).

The composition, functions and processes of the following rule making structures in the Lebowa political system will be discussed below: town councils, Tribal and Community Authorities, Regional Authorities, the Legislative Assembly, the Cabinet, the bureaucracy, and the Central Government.
5.2 TOWN COUNCILS

5.2.1 COMPOSITION

There are 14 proclaimed towns in Lebowa. In terms of the provisions of the Black Local Authorities Act, 1982 (Act 102 of 1982), the Lebowa Government may, by notice in the Government Gazette, establish a town council for any town. A town council shall consist of one elected member for each ward. The councillors are elected separately by the voters of the ward concerned by secret ballot. In addition to the elected councillors, the Lebowa Government may designate one or more members, but the total number of members designated by the Lebowa Government may not be more than half of the total number of elected members.

Councillors hold office for a period of three years, and may resign their seats or cease to be members by virtue of disqualification. A chairman and vice-chairman are elected annually at a special meeting of the council from the ranks of the councillors. The Lebowa Government may, whenever it deems it expedient to do so, abolish any town council (Botha 1983:426).
5.2.2 FUNCTIONAL AND PROCEDURAL ASPECTS

This chapter is concerned with the extent to which town councils perform the rule making function in the Lebowa political system. In theory, a town council may issue regulations in respect of its functions and duties. No regulations made, however, are legally enforceable until they have been approved by the Lebowa Government which may amend or alter any regulations submitted to it for approval without referring back to the town council concerned (R.S.A.: Proclamation, 293 of 1962).

Town councils, therefore, have no absolutely unfettered legislative powers. A town council may make provision for any matter related to the exercising of its powers, or execution of its functions and duties, including the delegation of powers to a committee or person designated by it (Botha 1983:426-427).

In practice, the legislative powers of a town council are very limited. They have no absolute legislative powers, but are controlled directly by the Lebowa Government. The Lebowa Government must approve any regulations proposed by a town council. The Lebowa Government through its Department of Home Affairs actually administers the functions and duties of town councils, while the councils merely act in an advisory capacity, assisting town managers or superintendents. Although regulations exist which provide for more powers to be conferred upon town councils, this has not happened in Lebowa in practice. The government of Lebowa, through its
Department of Home Affairs plays the most important legislative role in the governing of towns (Botha 1983:428-429; R.S.A.: Proclamation R293 of 1962).

Although there are no written statutory rules of procedure in respect of the meetings of town councils, the chairman of a council, who is sometimes referred to as the "Town Mayor", usually presides over the council's meetings and is responsible for the maintenance of discipline and order in such meetings. For each meeting held by the council, minutes are strictly kept (author's observation).

5.3 TRIBAL AUTHORITIES AND COMMUNITY AUTHORITIES

5.3.1 COMPOSITION

In terms of the provisions of the Black Authorities Act, 1951 (Act 68 of 1951), a Tribal Authority is established for a tribe under a traditional Kgoshi, while a Community Authority is established for a rural community which does not constitute a tribe or for both a tribe and a community. A Tribal Authority consists of the Kgoshi or headman of a particular tribe and a fixed number of councillors and such other members of the tribe as the Kgoshi may from time to time, with concurrence of the councillors holding office, appoint as councillors. (R.S.A.: Proclamation R115 of 1969, section 1, schedule A).
Community Authorities consist of a chairman and a fixed number of councillors elected by male taxpayers for a term of five years. The chairman is elected by the councillors from their ranks.

Community Authorities are not constituted along traditional tribal lines. The main office bearers of a Community Authority are the chairman, vice-chairman, secretary and treasurer. Normally, the number of councillors varies from 10 to 25 in each Tribal or Community Authority depending on local circumstances and the size of the population (Freysen 1984:82). Approximately 141 tribal areas have been proclaimed in Lebowa and 6 other groups of people have already applied to form Community Authorities (Botha 1983:423).

5.3.2 FUNCTIONAL AND PROCEDURAL ASPECTS

No distinction is made between the functions of tribal and Community Authorities. Hereinafter, reference will, therefore, be made to Tribal Authorities only, although this will also include Community Authorities. While section 4 of the Black Authorities Act, 1951, indiscriminately lists the functions of Tribal Authorities without isolating functions related to rulemaking as such, it does serve to provide a general background to the implied width of scope of issues upon which Tribal Authorities may directly or indirectly perform rulemaking functions. Although some of the functions are related to either rule-application or rule-adjudication, Tribal Authorities still have to decide on procedural rules. In terms of section 4 of
the Black Authorities Act, 1951, the functions of Tribal Authorities are stated to be the following:

(a) to generally administer the affairs of the tribes and the communities in respect of which they have been established;

(b) to render assistance and guidance to its Kgoshi or headman in connection with the performance of his functions, and exercise such powers and perform such functions and duties conferred or imposed upon the Kgoshi or headman under any applicable law or custom, or in terms of any regulations required to be exercised or performed by such a Tribal Authority;

(c) to advise and assist the government in connection with matters relating to the material, moral and social well-being of Blacks residing in the area, including the development and improvement of any land within that area;

(d) to exercise or perform the powers, authorities and functions assigned to the authority by the Minister such matters as, in his opinion, fall within the spheres of tribal administration such as hygiene, sanitation, health services, and soil conservation.

In addition to these functions, Tribal Authorities are empowered to make by-laws regulating the proceedings of and preserving order at
their meetings. They may even prescribe fees for services rendered, or rates in respect of services made available by any authority. Generally, they may make by-laws in respect of any matter falling within the parameters of the abovementioned functions (R.S.A.: Proclamation R114 of 1969 as amended). By-laws are made by Tribal Authorities in Lebowa (Interview: Kgoshigadi (Chieftainess) M.C. Maraba, 1990).

At present, the Tribal Authorities in Lebowa provide extremely limited services in respect of health, water, schooling and other facilities. Their competency to do so is still low, and they need to be supported by the central authority in many ways. Traditionalism still plays a large role in the rule-making process of Tribal Authorities, although the process of modernisation in rule-making does occur.

Different types of meetings where resolutions are taken and by-laws are made for the tribe in question are held regularly by Tribal Authorities. Depending on the size and the customs of a particular tribe, the following types of meetings are usually held by Tribal Authorities in Lebowa:

(a) Meetings between the Tribal Authority and all the headmen within the area of jurisdiction of that Tribal Authority.
(b) Meetings between the Tribal Authority and some organized interest groups within the tribal area such as traditional healers.

(c) Meetings between the Tribal Authority and the office of the District Magistrate or a senior government official representing a Department of the government of Lebowa.

(d) Meetings between the Tribal Authority and the tribesmen.

Similar meetings are also held by Community Authorities, although Community Authorities often provide opportunities for a community to run its affairs on more democratic basis than is the case with Tribal Authorities (Botha 1983:424).

Unlike the Lebowa Legislative Assembly, Tribal Authorities have no fixed rules governing the rule making process. Each tribe adopts procedural rules according to its customs and traditions. The process of modernisation in rule-making has, however, affected all tribes in Lebowa (author's observation).

Traditional Bogoshi remain an important factor in the rule making process within Tribal Authorities. No tribal resolution or by-law maybe adopted in Lebowa by a tribe without the blessing and approval of the Kgoshi of that tribe (author's observation).
5.4 REGIONAL AUTHORITIES

5.4.1 COMPOSITION

The members of a regional authority come from the Tribal and Community Authorities within the area of jurisdiction of the regional authority. They are: the Kgoshi of and one tribal representative from each Tribal Authority; the chairmen of the Community Authorities within the boundaries of a regional authority each accompanied by an elected councillor from their respective Community Authority (Black Authorities Act 68 of 1951, section 3). If there is only one Kgoshi in the area, that Kgoshi will be the chairman of the regional authority, otherwise the members of the regional authority will nominate a Kgoshi as chairman. In the event of a deadlock, the Cabinet of Lebowa nominates the chairman (R.S.A.: Proclamation R115 of 1969, Section 3). A regional authority may appoint three of its members including its chairman to form an executive committee which assumes its responsibilities during the intervals between the meetings of such an authority.

5.4.2 FUNCTIONAL AND PROCEDURAL ASPECTS

In terms of section 5 of the Black Authority Act, the powers and functions of regional authorities are stated to be the following:
(a) to advise and make recommendations to the Government (of the Republic of South Africa) in regard to matters affecting the general area under their jurisdiction;

(b) subject to the provisions of any regulations, and to the directions of the Minister of Constitutional Development to provide for:

(i) the establishment, maintenance, management and conduct of educational institutions;

(ii) the construction and maintenance of roads, bridges, drains, dams, furrows and any works it may consider necessary for purposes of sanitation;

(iii) the suppression of diseases of stock;

(iv) the establishment, maintenance, management and conduct of hospitals, and clinics;

(v) the improvement of farming and agricultural methods generally;

(vi) afforestation; and
generally all such matters as in the opinion of the State President are within the spheres of regional administration.

In practice, regional authorities in Lebowa are not charged with the functions and legislative powers as provided for in terms of the Black Authorities Act. "They basically advise government on all matters affecting the general interests of the people in their areas and act as local licensing boards" (Freysen 1984:81). Therefore, they contribute very little to the rule-making function.

Although the functions mentioned above are related to the rule-application function, it was deemed necessary to demonstrate the width of the scope initially afforded to regional authorities regarding the performance of the rule-making function. Very few of the listed functions are, however, performed by regional authorities in Lebowa in practice (author's observation).

Meetings of regional authorities are held at least once every two months (Lebowa Regional Authorities Regulations, Proclamation R115 of 1969). There are no laid down rules of procedure regulating the deliberations and proceedings in regional authority meetings in Lebowa. It is the chairman's responsibility to maintain and enforce order and discipline during meetings. All regional authority meetings are held at the District Magistrate's Offices in Lebowa (author's observation).
5.5 THE LEGISLATIVE ASSEMBLY

5.5.1 COMPOSITION

Since the Moutse district was excised from Lebowa on 1 November 1980, in terms of Proclamation R211 of 24 October 1980, the Lebowa Legislative Assembly has comprised 96 members, 38 of whom are elected and one is designated by the Rain Queen of the Bolobedu tribe. The remaining 57 members are Magoshi (Chiefs) designated by the Magoshi holding office in the respective electoral divisions (Government Gazette R225 of 1972, section 3 as amended).

The term of the Lebowa Legislative Assembly is five years, but the State President may, at the request of the Cabinet of the Legislative Assembly of Lebowa, dissolve the Legislative Assembly by proclamation in the Government Gazette before the expiration of the five year period (Government Gazette R225 of 1972, section 7).

The Lebowa Legislative Assembly is unicameral and is not a sovereign legislature. The ratio of designated to elected members in the respective electoral divisions is as follows:
<table>
<thead>
<tr>
<th>ELECTORAL DIVISION</th>
<th>NUMBER OF DESIGNATED MEMBERS</th>
<th>NUMBER OF ELECTED MEMBERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Sekhukhune</td>
<td>14</td>
<td>7</td>
</tr>
<tr>
<td>2. Thabamoopo</td>
<td>9</td>
<td>4</td>
</tr>
<tr>
<td>3. Seshego</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>4. Mokerong</td>
<td>9</td>
<td>6</td>
</tr>
<tr>
<td>5. Nebo</td>
<td>7</td>
<td>5</td>
</tr>
<tr>
<td>6. Naphuno</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>7. Sekgosese</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>8. Bolobedu</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>9. Bochum</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>10. Phalaborwa</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>11. Mapulaneng</td>
<td>3</td>
<td>2</td>
</tr>
</tbody>
</table>

(Government Gazette R225 of 1972, column B of the Schedule).
The Parliament of the Republic of South Africa closely resembled that of the United Kingdom in its structure, procedures and practices before the adoption of the tricameral constitution in 1983. This was largely the result of the historical constitutional process that led to the creation of the Union of South Africa in 1910, and, thereafter, the Republic of South Africa in 1961 with minimal constitutional changes (Oliver & Van Wyk 1978:1). The Parliament of the Republic of South Africa inherited not only the structures and the unitary form of government from the British Parliament, but also its parliamentary procedures and practices.

In its endeavours to introduce self-governing status to Black Homelands with limited legislative powers, the South African Government to a large extent transplanted their form of government as inherited from the English Parliament to Homeland Legislative Assemblies such as the one in Lebowa.

The first Legislative Assembly was established in the Transkei in 1963, and this formed the basis for subsequent developments in other Homelands including Lebowa (Kotze 1978:118). The most undemocratic feature transplanted from the Transkei to other Homelands was in respect of the proportion of elected members to designated members in the Legislative Assembly. Chief S.S. Majeke who served as a member of the Transkeian recess committee which made initial constitutional proposals, said (Kotze 1978:118; Transkei Legislative Assembly Debates, 5th session, 1966:230 & 237) that: "Dr. Verwoerd was against
the Chiefs being in the majority in this Assembly. It was Chief Kaizer Matanzima who demanded that the Chiefs should come to this Assembly, and further proposed that even fewer than 45 elected members be allowed." According to Chief Majeke, it was he himself, paramount Chief Botha Sigcau, Chief D.D.P. Ndamse, and Mr. P. Jozana who opposed Matanzima while Verwoerd supported them and said: "it would not be true democracy if the Chiefs should come to this Assembly. According to Kotze (1978:118): "It is believed that Matanzima successfully stressed the conservatism and stability of the Chiefs against the background of the Transkeian disturbances of 1960, and so won his argument in favour of an elected minority".

Unfortunately this precedent affected all Homeland governments including that of Lebowa. The parliamentary procedures and practices in the Lebowa Legislative Assembly resemble those applicable in the South African Parliament.

5.5.2 FUNCTIONAL AND PROCEDURAL ASPECTS

Lebowa is a self-governing territory within the borders of the Republic of South Africa. Being a subordinate legislature to the Parliament of the Republic of South Africa, it has limited autonomy in certain areas of government. Section 4 of the Black States Constitution Act, 1971 tabulates matters reserved from legislation by Legislative Assemblies. These matters are still the responsibility of the South African Government and may be summarized as follows:
defence; foreign affairs; internal security; postal services; radio and television; telecommunication services; railways; harbours; national roads and civil aviation; currency; banking and the control of stock exchanges and of financial institutions; customs and excise duties; the amendment, repeal or substitution of the aforementioned Act.

On the other hand, Schedule 1 to the Black States Constitution Act, 1971 enumerates the matters on which the Lebowa Legislative Assembly may adopt legislation. These matters are: subordinate courts; agriculture; education; welfare services; labour matters; health matters; public works; road traffic including the control and licensing of vehicles; mining; the collection and the appropriation of public funds; control and licensing of business and trading undertakings; the division and amalgamation of tribes; and the control of townships, tribal and regional authorities and other local institutions. It is further stipulated that the Legislative Assembly may, in adopting legislation within the parameters set out above, amend or repeal an Act of the South African Parliament (Act 21 of 1971, section 30).

No law passed by the Lebowa Legislative Assembly in accordance with the provisions of Schedule 1 of the Black State Constitution Act has any force or effect until it has been approved by the State President of the Republic of South Africa and made known by notice in the Lebowa Official Gazette. The State President may, before approving
any law, refer it back to the Lebowa Legislative Assembly for reconsideration (Act 21 of 1971, Section 3).

All questions (including motions) arising in the Legislative Assembly are decided on by a majority of votes of the members present, with the exception of the person presiding at a particular sitting, which person may exercise a casting vote in the case of an equality of votes (Government Gazette R225 of 1972, section 11 (1)). Any number of members exceeding half the number of members of the Legislative Assembly constitute a quorum, and there is freedom of speech and debate in the Legislative Assembly (Government Gazette R225 of 1972, section 11 (2) & (3)). The Speaker or Deputy Speaker referred to in section 25 of the said proclamation presides over all sittings of the Legislative Assembly (Government Gazette R225 of 1972, section 11 (5)). Rule 25 of the standing rules of procedure of the Lebowa Legislative Assembly stresses the equality of members in the Assembly:

No Minister or Kgoshi or dignitary, being a member of the Legislative Assembly, may claim preferential treatment in the Assembly, by virtue of his hereditary or other position and such members shall set an example to other members in their respect and obedience to the chair and in maintaining the order and dignity of the Assembly and the proceedings thereof.
The proceedings of the Legislative Assembly are, subject to the rules of procedure, open to the public (Government Gazette R225 of 1972, section 11(4)). Lastly, no member of the Legislative Assembly is liable to any legal proceedings by virtue of any matter raised or said by him in the Legislative Assembly or a select committee thereof (Act 21 of 1971, section 3A).

5.5.2.1 PROCEDURE IN RESPECT OF LEGISLATION

5.5.2.1.1 PUBLIC BILLS

"The object of a public bill (as distinct from a private bill) is to alter the general law on a question of public policy" (Kilpin 1955: 5). It is a bill introduced on behalf of the Government. The responsible Minister of the Cabinet gives notice of his intention to introduce a bill and in such notice the general object of the bill is outlined (Lebowa Legislative Assembly: Standing Rules of Procedure, Rule 99 (a)). The passage of the Lebowa Police Act of 1985 through the Lebowa Legislative Assembly will be used to illustrate this procedure.

The Minister of Law and Order gave notice of his intention to introduce this bill on 21 May 1985 (Lebowa Legislative Assembly Verbatim Report, volume 19, Part 2, 1985:362).
In terms of the prescribed procedure, he is obliged to hand in a copy of the bill in Northern Sotho, English and Afrikaans to the Secretary's table on the following day or as soon thereafter as possible, and may then move without notice, that the bill be read for the first time (Lebowa Legislative Assembly: Standing Rules of Procedure, Rule 99 (b)). The bill may be taken through the first and the second readings, including the committee stage, even if the bill is only available in one official language.

The Minister of Law and Order moved the first reading of the Lebowa Police Bill on 22 May 1985, and on the following day the second reading of the bill was moved and conducted. The Minister briefly explained the bill and it was opened for debate. After discussion by several members of the House, the Bill was accepted and referred to the committee stage. The Bill was dealt with clause by clause, and accepted by the House.

Immediately thereafter, the Minister continued with the third reading of the bill as follows: "Mr. Speaker and honourable members, it is an honour for me to move that the Lebowa Police Bill of 1985 be now read a third time. Thank you" (Lebowa Legislative Assembly Verbatim Report, volume 19, part 2, 1985:453). Finally, the Secretary of the Legislative Assembly read the short title of the bill which concluded the procedure.

Although the rules of procedure are usually adhered to when bills are piloted through the Lebowa Legislative Assembly, provision is made in
rule 166 for the suspension of rules and orders in cases of urgent necessity (of which the Speaker shall be the judge). For example, on 6 July 1987 the acting Chief Minister moved for the suspension of the rules of the House in terms of rule 166 of the Rules of procedure so that all the stages of the Lebowa Constitution Amendment Bill of 1987 could be dealt with in one day. The first, second and third stages of the bill were successfully finalised in one day, although some of the members of the House were not satisfied. The intention of the bill was to give the Lebowa Government the authority to decide when elections were to be held in Lebowa. The bill was accepted in full without any discussion (Lebowa Legislative Assembly Verbatim Report, volume 21, Part 3, 1987:606-607).

5.5.2.1.2 PRIVATE BILLS

As no private member's bill was ever introduced or passed in the Lebowa Legislative Assembly before 1990 (author's observation), no examples will be cited, and the general procedure will be discussed and explained without any practical illustrations.

The purpose of a private member's bill is "to confer benefits upon or to advance the interests of particular individuals or local ties" (Kilpin 1955:19). A bill introduced by a private member is termed a private bill. In his introduction, the private member gives notice of a motion asking for permission to table a bill and in such notice the general object of the bill is stated. After permission has been
granted, the member furnishes the Secretary of the Assembly with a copy of the bill in Northern Sotho, Afrikaans and English, and may then move without notice, that it be read a first time, such a request being put without amendment or debate. The Secretary is responsible for the printing of the bill and every member of the House is supplied with a copy (Lebowa Legislative Assembly: Standing Rules of Procedure, Rules 100, 102 & 104).

During the second reading of a bill, a debate may arise and members should confine themselves to the general merits and principles of the bill (Lebowa Legislative Assembly: Standing Rules of Procedure, Rule 106). Procedurally, amendments may be proposed during the second reading debate. After the second reading, a bill may either be ordered to be considered in committee by the whole House on a day to be determined by the member in charge, or be referred to a select committee (Lebowa Legislative Assembly: Standing Rules of Procedure, Rules 107 & 108).

After an announcement by the Speaker that the Assembly shall go into committee, the Assembly resolves itself into committee, and the Deputy Speaker takes the chair (Lebowa Legislative Assembly: Standing Rules of Procedure, Rule 110). The principles of a bill are not discussed in committee, only its details. Procedurally, certain amendments may be proposed during the committee stage (Lebowa Legislative Assembly: Standing Rules of Procedure, Rules 112 & 114). At the end of the committee stage the Speaker returns to the chair, the Deputy Speaker reports accordingly and announces that the bill
has been brought to finality and accepted by the House in committee with or without amendments (Lebowa Legislative Assembly: Standing Rules of Procedure, Rule 117).

During the third reading of a bill, the debate, if any, is confined to the effects of the amendments which have been adopted by the committee of the whole House. In the absence of any amendments, the third reading is decided without amendments or debate. No further questions are put after the third reading and the bill is deemed to have been passed by the Assembly (Lebowa Legislative Assembly: Standing Rules of Procedure, Rule 120 & 121).

5.5.2.1.3 PROCEDURES IN RESPECT OF FINANCIAL MEASURES

Unlike the position in the South African Parliament during the existence of the Senate (before the tricameral Parliament), both the elected and designated members of the Lebowa Legislative Assembly participate equally on financial bills, and there are no restrictions or limitations applicable to non-elected members. The democratic principle of "no taxation without representation" is not contained in the Lebowa constitution.

Any bill containing the estimated financial requirements for expenditure on the services of the Lebowa Government for a current or succeeding financial year is known as an appropriation bill (Lebowa Legislative Assembly: Standing Rules of Procedure, Rule 130), and may
only be introduced by the Minister of Finance. The Legislative Assembly does not pass any financial motion or bill, without the prior recommendation of the Cabinet (Lebowa Legislative Assembly: Standing Rules of Procedure, Rule 129).

In chapter 4 above, the preparation of the budget as a function of aggregation was briefly dealt with. When a budget has been prepared and accepted in principle by the Minister of Finance and the Cabinet, no funds may be collected or spent before approval by the Legislative Assembly by way of an appropriation bill (Black Constitution Act, 1971, Section 8).

The 1986 Lebowa Appropriation Bill will be used as an example to demonstrate this occurrence of the rule-making procedure.

On 22 April 1986, the Minister of Finance in Lebowa gave notice in the Legislative Assembly, in terms of Standing Rule No.99, of his intention to introduce the Lebowa Appropriation Bill of 1986 the following day. He further explained that the Bill provided for the requirements of Lebowa for the financial year ending 31 March 1987 (Lebowa Legislative Assembly Verbatim Report, volume 20, part 1, 1986:8).

The Minister tabled the Lebowa Appropriation Bill of 1986 and the estimates containing the details of the said financial requirements for the year 1986/87 in terms of Standing Rule 130 on 28 April 1986. A broad outline of the proposed spending of the money allocated is
usually contained in the schedule to the bill, but full particulars are reflected in the "Estimates of Revenue to be collected and Expenditure to be defrayed through the year ending 31 March 1987". The bill was then read for the first time (Lebowa Legislative Assembly Verbatim Report, volume 20, part 1, 1986:108).

Procedurally, the Secretary of the Legislative Assembly was requested by the Speaker of the House to read the Cabinet's recommendation in terms of section 7 of the National States Constitution Act, 1971 and Standing Rule No.129(3) (Lebowa Legislative Assembly Verbatim Report, volume 20, part 1, 1986:109).

The Minister then proposed the immediate second reading of the bill to which the Speaker agreed. Procedurally, the budget speech of the Minister during the second reading of a bill is regarded as an elaboration and justification of the proposals contained in the budget. In his budget speech the Minister reports in broad outline on government expenditure over the financial year then ending; he also reviews the general economic condition of the country, and proposes the new expenditure and revenue and summarises these under a number of appropriate headings.

In the instance under discussion, the Minister furnished the House with the following proposed allocations (including loan funds) for each Department:
<table>
<thead>
<tr>
<th>Vote 1: Chief Minister</th>
<th>R 23 289 000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vote 2: Home Affairs</td>
<td>R 6 700 000</td>
</tr>
<tr>
<td>Vote 3: Works</td>
<td>R 33 787 000</td>
</tr>
<tr>
<td>Vote 4: Education</td>
<td>R 205 303 000</td>
</tr>
<tr>
<td>Vote 5: Agriculture and Environmental Conservation</td>
<td>R 36 738 000</td>
</tr>
<tr>
<td>Vote 6: Justice</td>
<td>R 9 134 000</td>
</tr>
<tr>
<td>Vote 7: Health and Social Welfare</td>
<td>R 140 119 000</td>
</tr>
<tr>
<td>Vote 8: Finance</td>
<td>R 61 825 000</td>
</tr>
<tr>
<td>Vote 9: Law and Order</td>
<td>R 17 578 000</td>
</tr>
<tr>
<td>Vote 10: Economic Affairs and Planning</td>
<td>R 15 699 000</td>
</tr>
</tbody>
</table>

**Subtotal**

R 550 172 000

**Statutory amount**

R 1 835 520

**Amount to be Voted**

R 548 336 480
After the reading of the whole budget speech by the Minister during the second reading stage, the discussion of the budget speech was opened to members of the Legislative Assembly and each member desiring to participate was allocated thirty minutes (Lebowa Legislative Assembly Verbatim Report, volume 20, part 1, 1986: 116). At the end of these discussions the Minister replied to most of the questions asked by members. Thereafter, one of the members moved that the second reading stage be concluded and the Committee stage be resumed. The motion was seconded by another member and carried by the Legislative Assembly (Lebowa Legislative Assembly Verbatim Report, volume 20, part 1, 1986:129).

The Legislative Assembly then met in Committee of Supply and the Speaker vacated the chair. The chairman of Committees acted as chairman of the House and put every budget vote to the House separately. The term "in Committee" used in this context should not be confused with the meaning attached thereto with reference to the meetings of other public bodies such as regional authorities or tribal councils. "In Committee" does not mean that the House held the meeting in camera. Members of the public, including the press, are admitted to the public and press galleries respectively during these meetings (Lebowa Legislative Assembly Verbatim Report, volume 20, part 1, 1986:129).
During the Committee Stage, each Minister delivers a Departmental Budget and Policy Speech and the Legislative Assembly discusses these budget votes seriatim. The Ministers have to defend the policies, and shoulder responsibility for the efficiency (or lack thereof), of their Departments. They do so by answering questions and responding to proposals and suggestions put forward by members of the Legislative Assembly (author's observation).

All budget votes in respect of the Lebowa Appropriation Bill of 1986, were disposed of by 15 May 1986 and the Speaker resumed his seat. The chairman of Committees then reported to the Speaker that all the budget votes had been accepted as a whole without any amendments (Lebowa Legislative Assembly Verbatim Report, volume 20, part 2, 1986:398).

The Minister of Finance then proposed the third reading of the Bill and it was accepted by the House without further discussion. The Secretary of the Legislative Assembly read the short title of the Bill which concluded the process (Lebowa Legislative Assembly Verbatim Report, volume 20, part 2, 1986:399).

5.5.2.1.4 BILLS TO BE PERUSED BY THE COMMISSIONER GENERAL

Rule 126 of the Standing Rules of procedure stipulates that every bill passed by the Assembly and signed by the Speaker must be
forwarded to the Commissioner-General to be further dealt with as required by law.

5.5.2.1.5 PROCEDURE WHEN A BILL IS REFERRED BACK

The State President may refer a bill back to the Legislative Assembly (Black Homelands Constitution Act, 1971 (Section 3 (2)), and the Assembly may again proceed with such a bill in accordance with the provisions of Rules 128 to 134.

5.5.2.1.6 PROMULGATION AND THE COMING INTO OPERATION OF LAWS

The Cabinet of a self-governing territory causes every law to which assent has been given by the State President to be published in the Government Gazette. Such a law comes into operation on the date of its publication in the Gazette, unless the law itself provides for another date. Only a law assented to by the State President and duly promulgated has the force of law (Black Homelands Constitution Act (section 32)).

5.5.2.1.6 SIGNATURE AND ENROLMENT OF LAWS

After a law has been assented to by the State President, the Cabinet of Lebowa causes copies of the law in each of the official languages,
to be kept as a record in the office of the Registrar of the Supreme Court or the highest court having original jurisdiction in the area in which the Legislative Assembly buildings are situated. Failure to deposit copies does not affect the validity or the coming into operation of such a law (Black Homelands Constitution Act (section 33)).

5.5.2.2 EVALUATION

As has been demonstrated through extensive reference to the rules of procedure applicable to the Lebowa Legislative Assembly, the present procedure is fully formalised. Through practical examples, it has also been shown that the rule-making process in the Legislative Assembly of Lebowa is performed strictly in accordance with these rules.

While the procedures outlined above may be assumed to be based on democratic principles, it cannot similarly be assumed that the majority of the members of the Legislative Assembly understand the procedures.

From the debates contained in the Verbatim Reports of the Lebowa Legislative Assembly, it appears that most of the members do not understand the rules of procedure applicable to the Assembly. This is due to several factors including a low standard of education or the complete absence of formal education. It is further doubtful
whether some members of the Assembly are aware of the purpose and the value of the different stages of a bill as provided in the procedure (author's observation).

The impression gained from a perusal of the deliberations of the Lebowa Legislative Assembly is that the elected members participate more actively in the discussions and debates than the designated traditional Chiefs. Kotze expressed a similar view with regard to the Transkei Legislative Assembly (1968:216). Traditionally, it is not advisable in terms of the general customary practices of Lebowa for a traditional Chief (Kgoshi) to engage in extensive debates with his subjects or commoners.

Contrary to customary practice, the rules of procedure emphasise the equality of members of the Assembly. At the same time, all elected members of the Assembly are subjects of designated traditional Magoshi (Chiefs) outside the Legislative Assembly. This can sometimes give rise to very embarrassing situations for some of the designated members, especially those from tribal areas, and even to some of the traditional Chiefs. As a result, the efficient and active performance of the rule-making function by the members of the Lebowa Legislative Assembly is adversely affected (author's observation).
In this study the term "Cabinet" is taken to mean the head of the Government of Lebowa (the Chief Minister) together with his Ministers and deputy Ministers. The Cabinet in Lebowa is modeled on the South African example, and it performs functions similar to those of the South African Cabinet in accordance with the powers vested in it by the Black States Constitution Act.

The Cabinet in Lebowa serves as the executive committee of the Lebowa Legislative Assembly. It is responsible for rule-application, the preparation and submission of legislation to that body, and is responsible for the administration of the territory (author's observation). This is in line with the statement by Almond and Powell (1966:138) that:

In most political systems, but particularly in modern democratic ones, the performance of rule making, like that of articulation and aggregation, will be dispersed and delegated, focusing perhaps around the role of the chief executive but not residing in it. For various reasons some executive agencies may be able to serve as autonomous participants in the rule-making process, initiating and affecting various component rules.

The Chief Minister, being the chairman of the Cabinet, accepts final responsibility for the agenda of its meetings. The various Depart-
ments submit different issues to the Cabinet for consideration. No voting takes place during Cabinet meetings and all points on the agenda are finalised on the basis of consensus. The Chief Minister and his Cabinet may refer controversial matters back to a Minister and/or Department for further illumination (author's observation).

In terms of Cabinet decision 103 of 1986, new procedures regarding the secrecy of Cabinet rulings were adopted. These read as follows:

(1) The Secretary of the Department of the Chief Minister shall draw up a document for all public servants to sign as a document of secrecy with regard to Cabinet matters.

(2) All Ministers must have lockers in their offices for safe-keeping of confidential Cabinet documents.

(3) Secretaries will attend Cabinet meetings at the invitation of the Ministers and only for purposes of items affecting their Departments on the agenda, and thereafter retire to their respective offices.

(4) Decisions of the Cabinet marked "confidential" will be sent to the Ministers only and each Minister is responsible for following up any such decision of the Cabinet.
Submissions on various issues to the Cabinet are usually made through written memoranda. The rulings of the Cabinet on these issues serve to illustrate the role of the Cabinet in respect of rule-making regarding issues delegated to it by the Legislative Assembly. Rulings of the Cabinet are valid and legally binding if they fall within the powers delegated to the Cabinet by the Legislative Assembly. Verbal submissions are only considered if an issue is of an urgent nature (author's observation).

Of the many Cabinet rulings made since the inception of the Government of Lebowa, only a few will be mentioned by way of example. The selection of examples was severely limited by the provisions of the Cabinet ruling on confidential matters dealt with above.

Cabinet Decision 44 of 1986 was a ruling on a verbal submission and led to a circular being issued to all local authorities about unrest in the territory. It was taken in response to the 1986 unrest situation in Lebowa which resulted in many deaths as indicated in chapter 3 above. The circular read as follows:

The Cabinet made a ruling that as regards the unrest in the country, a circular be issued to all Local Authorities that every thing be done by them to counter the unrest and the tragic events occasioned by the belief in witchcraft.
Cabinet Ruling 159 of 1988 was issued in response to specific demands made by individual local authorities through their representatives, which demands were contained in Memorandum 92/88 submitted to the Cabinet by the Department of the Chief Minister in respect of the erection of local government offices by the Lebowa Government. The ruling read as follows:

The Cabinet rules that the Lebowa Government henceforth, be responsible for the erection of the Local Government offices as recommended in this memorandum. This measure would bring about great relief to the Local Governments financially.

Another example of a ruling on a written memorandum is that taken in response to Memorandum 18 of 1986 submitted by the Department of the Chief Minister about study leave with retention of salary and other service benefits. It read as follows:

The Cabinet rules that as the Lebowa National State is still developing, all these officers and other students who study in various academic and professional fields for the sole purpose of serving Lebowa Territory on completion of their studies be accepted provided:

(1) A proper and definite contract to be entered into by the student/officer and the Lebowa Government be drawn with the necessary legal safeguards to close possible loopholes.
(2) That flowing from the discussion, the Secretary of the Department of Education will submit to the Cabinet a detailed report showing dissimilarities in benefits affecting teachers as against other officers in the public service.

(Cabinet Decision 47 of 1986)

With this ruling the Cabinet intended to encourage civil servants to improve their qualifications and productivity at all levels. This ruling was also, in part, a positive response to demands articulated by the member of the Legislative Assembly from the Seshego Constituency as described in chapter 3 above.

During May 1990 the Cabinet of Lebowa, through its Cabinet Select Committee on constitutional matters, gave the following ruling on guidelines for negotiations on a new constitution for a non-racial, democratic South Africa (Lebowa Cabinet Ruling, May 1990):

Our Government of Lebowa noted with appreciation various pronouncements on negotiations by the South African Government, in particular, President de Klerk's opening address in Parliament on February 2, 1990.

We believe that the efforts of the South African Government on the one side and these of the OAU, UN and ANC on the other
have opened a real possibility for a negotiated political settlement in South Africa. We therefore welcome these efforts and are continuously monitoring and studying the developments. We reaffirm our belief that:

i. the people of South Africa both black and white are one;

ii. their interests and aspirations are indivisible and therefore we reject the notion of rural and urban blacks and of own affairs and general affairs of population groups;

iii. South African citizenship is an inalienable right of all South Africans;

iv. the integrity of the South African territory is an inalienable right of all South Africans;

v. the citizens of the so called Homeland are entitled to freedom of movement and association throughout South Africa. Consequently, we call on the government to create the climate conducive to negotiations between Pretoria and all people of South Africa, including the people of the Homelands by:
(a) removing all racial ethnic conflicts;

(b) removing man-made barriers;

(c) dismantling or phasing out the Bantustan structures;

(d) all people of South Africa to unite and speak with one voice;

(e) removing obstacles to black unity;

(f) lift the state of emergency;

(g) releasing political prisoners and detainees;

(h) redelimitate the provinces into non-ethnic electoral divisions, or constituencies.

On the strength of the views as detailed above, the Cabinet of Lebowa adopted the following programme of action (Lebowa Cabinet Ruling, May 1990):

1. To launch a leadership campaign for demanding a non-ethnic Constituent Assembly for the coordination of responses to the various efforts to settle the South African question.
2. To draw up a joint declaration on negotiations for signature by leaders in consultation with their Legislative Assemblies or Constituencies who are in agreement with Lebowa's proposals on negotiations. Firstly, in the Transvaal and lastly in the whole of South Africa, including the TBVC states which are prepared to be reincorporated into R.S.A.

3. To consult with the ANC, PAC, UDF, AZAPO, DP, LP and other political organisations regarding the question of negotiations.

4. To study all constitutional models.

5. The will of the people has to be tested and one of the credible ways of doing this is by way of a referendum. The form in which Lebowa people should participate in any future negotiations should be determined in the proposed referendum.

6. Lebowa Government Service be phased out gradually so that a vacuum should not be created as this may cause anarchy and chaos.

The examples mentioned above, serve to demonstrate the significance of the Lebowa Cabinet as the pre-eminent rule making body in the Lebowa political process. In Lebowa, the Cabinet has been particularly powerful. As has been shown, no public or private bill may be presented to the Lebowa Legislative Assembly without the prior
approval of the Cabinet. Only Cabinet Ministers may move an amendment to a financial bill. In addition, a motion by an ordinary member of the Legislative Assembly (even if the motion is approved by the House), is regarded as a mere recommendation to the Cabinet and not considered to be binding. The number of important Cabinet rulings which have been made confirm that the bulk of the rule-making function is performed by the Cabinet in Lebowa (author’s observation).

5.7 THE ROLE OF THE BUREAUCRACY IN THE RULE-MAKING FUNCTION

Although the primary function of a bureaucracy has traditionally been to implement the policy of political rule-makers, its rule-making functions have been extended as societies have become more sophisticated and complex (Venter 1989:191). The bureaucracy in Lebowa is no exception. The framework of Schrire (1978 & 1985) will be used to analyse the role of the Lebowa bureaucracy as an actor in the rule-making function. The extent and the importance of the bureaucracy's own rule-making authority, as well as the extent and the intensity of its influence on other rule-making structures in the Lebowa political system will be examined.

The role played by bureaucrats in policy formulation or rule-making varies from Department to Department in Lebowa Government. Senior civil servants from the level of assistant Secretary upwards play vital roles in departmental rule-making. These officials occupy
senior positions in Departments and are, therefore, in a position to influence policy, or to give rulings on specific important issues (author's observation).

Much depends on the approach and attitude of the senior civil servants concerned. Some senior personnel members may take the initiative in important policy areas, while others may prefer to bring all policy related issues to the attention of their Ministers. In part, this will depend on the nature of the relationship between the Ministers and the senior bureaucrats.

The relationship between Ministers and senior civil servants was generally more conducive to promoting the active participation of these senior officials in rule-making during Dr. C.N. Phatudi's term of office as the Chief Minister of Lebowa than it has been since (author's observation). Until September 1985, all Departmental Secretaries attended Cabinet meetings freely and even participated actively at such meetings. They, therefore, contributed indirectly to the rule-making process even at the Cabinet level.

A Departmental Secretary in Lebowa does not only serve as the permanent administrative head of a Department, but also as the Chief Adviser to the Minister who is dependent upon him for information and expert guidance. In this way, an official can have an important influence on policy (author's observation).
A Departmental Secretary has considerable discretionary power on certain important issues. An example hereof are the powers delegated to the secretary of the Department of Health in respect of the approval of old age pension applications. The Secretary's ruling on an application of this kind is final (author's observations).

The nature of a Department will also influence the scope for administrative influence on policy formulation. For example, in Departments like that of the Chief Minister, especially the Authority Affairs branch, where highly sensitive political issues such as the appointment and the administration of traditional leadership are dealt with, the minister's direct involvement in rule-making is imperative (author's observation).

In Departments such as Works, Water Affairs, and Agriculture, however, policy issues are more technical and less political, as a result of which the secretary of a Department may have enough room to play a significant role in rule-making (author's observation).

Finally, it should be stressed that the rule-making or policy formulation activities of bureaucrats and politicians are usually complementary rather than competitive in Lebowa, and that the Chief Minister and his Cabinet are ultimately responsible for all important policy rulings. This was also observed by Schrire (1978:183).
5.8 THE ROLE OF THE SOUTH AFRICAN CENTRAL GOVERNMENT IN THE RULE-MAKING PROCESS OF LEBOWA

As has been stated, Lebowa is a self-governing territory within the borders of the Republic of South Africa as a result of which the Lebowa Legislative Assembly as a legislature is subordinate to the parliament of the Republic of South Africa. The scope of operation of the Lebowa as a self-governing territory is outlined in the Black States Constitution Act, 1971. In terms hereof, Lebowa may not perform the duties outlined in section 4 of the said Act. The South African central government performs the rule-making function in relation to any subject falling within the following classes of matters:

(a) The establishment, control, entry, movement or operations of any full time or part time military unit, quasi military unit or organization of a military character, or of any unit, branch or service of any military organization within the area concerned, or any other military matter of whatever nature;

(b) the registration, establishment and control of factories for the manufacture of arms, ammunition or explosives as defined in the Explosives Act, 1956 (Act 26 of 1956);

(c) the appointment, accrediting and recognition of diplomatic and consular officers and the recognition, conclusion or
ratification of international conventions, treaties and agreement;

(d) the control, organization, administration, powers, entry into and presence in the area concerned of any police force of the Republic charged with the maintenance of public peace and order and the preservation of internal security in and the safety of the area concerned and the Republic;

(e) postal, telegraph, telephone, radio and television services;

(f) railways, harbours, national roads and civil aviation;

(g) the entry of persons other than citizens into the area concerned;

(h) currency, public loans, banking and the control of stock exchanges and of financial institutions as defined in section 1 of the Inspection of Financial Institutions Act, 1962 (Act 68 of 1962);

(i) customs and excise duties and control and management of customs and excise; and the amendment, repeal or substitution of this Act.

(Black States Constitution Act, section 4)
In addition to these powers, no law made by the Lebowa Legislative Assembly shall have any force or effect until it has been approved by the State President of South Africa, who may even refer it back to the Lebowa Legislative Assembly for reconsideration before approval (Black States Constitution Act, Section 3). All laws made by the Lebowa Legislative Assembly must be sent to the State President through the office of the Commissioner-General. The Commissioner-General acts as a link between the South African Government and the Lebowa Government.

In terms of the Black States Constitution Act, 1971 (Section 3), many of the laws passed by the Central Government are in force in Lebowa. These include:

(a) The Defence Act, 1957 (Act 44 of 1957).

(b) The Explosives Act, 1956 (Act 26 of 1956).

(c) Diplomatic Privileges Act, 1951 (Act 71 of 1951).

(d) Internal Security Act, 1982 (Act 74 of 1982).


(g) Civil Aviation Offences Act, 1972 (Act 10 of 1972).


The National State of Emergency as declared by the State President in terms of the Public Safety Act, 1953 (Act 3 of 1953) will be used as an example to illustrate the role of the Central Government in rule-making.

5.8.1 THE NATIONAL STATE OF EMERGENCY

5.8.1.1 BRIEF BACKGROUND

Between September 1984 and June 1986 South Africa experienced a rising spiral of unrest. Some of the incidents that occurred during this period were mentioned in chapter 3 above. According to the Bureau for Information (1987:2), the consequences of the unrest included:

i. 3477 private Black houses badly damaged or destroyed;

ii. 1220 Black schools badly damaged or destroyed;
iii. over 7000 buses and 10000 other vehicles damaged or destroyed;

iv. large scale intimidation;

v. consumer and rent boycotts;

vi. disruption of Black education and democratically elected municipal governments;

vii. the establishment of street committees and kangaroo courts;

viii. 573 deaths due to Black on Black violence, with 295 of the victims being killed by way of the horrific "necklace" method.

It was against this background that the State President decided to declare a National State of Emergency on 12 June 1986. The State President (R.S.A.: Hansard (A) 1986, 9 columns 2688-2689) stated that the objectives of the State of Emergency were:

... to create a situation of relative normality so that every citizen can perform his daily task in peace, business communities can fulfil their role and the reform programme to which the Government has committed itself can be continued.
I am of the opinion that the ordinary laws of the country which are now on the statute book are insufficient to enable the government to ensure the safety of the public and to maintain public order. I have decided to introduce the State of Emergency throughout the entire country, including the self-governing states.

The State of Emergency was declared in Proclamation R108 of 12 June 1986. Regulations under the State of Emergency were issued by the State President in terms of Proclamation 109 of 1986, as amended from time to time.

5.8.2 REGULATIONS

The regulations which applied during the National State of Emergency afforded the South African Police (SAP), the South African Defence Force, the Prison Service Department, and the Police Forces in the non-independent Homelands such as the Lebowa Police Force, wider powers regarding arrests, detentions, search without warrant, combating of public disturbance, disorder, riots, or public violence (R.S.A.: Proclamation 109 of 1986, Regulations 1 to 8). Subversive statements were prohibited in terms of regulation 10, while restrictions on funerals were imposed in terms of regulation 7.

An indemnity was granted, in terms of which no civil or criminal proceedings could be brought against the State or the administrations
of the non-independent Homelands, the State President, any member of
the Cabinet of South Africa or the non-independent Homelands, any
member of the forces, any person in the service of the State or the
administration of a non-independent Homeland, or any person acting on
direction or with the approval of any of the abovementioned, for any
act in good faith advised, commanded, ordered, directed, or performed
by any person carrying out his or her duties in terms of the
regulations with intent to ensure the safety of the public, the
maintenance of public order, or the termination of the state of
emergency in any area where the state of emergency existed (R.S.A.:
Proclamation R109 of 1986 as amended by Proclamation R110, Regulation
16 (1) & (3); The Star, 6 February 1986). All these restrictive
measures were fully operative in Lebowa, which serves to demonstrate
the effective role played by the South African Central Government in
rule-making in the Lebowa political process.

The South African judiciary also plays a role in the rule-making
function in Lebowa. The Moutse court case between the Central
Government and the Lebowa Government as mentioned in chapter 3 will
be used as an example hereof.

On 28 May 1986 in the Pretoria Supreme Court, the Lebowa Government
brought an application seeking an order declaring the decision to
incorporate Moutse into KwaNdebele null and void because the pro-
clamation excising Moutse from Lebowa (R.S.A.: Proclamation R210 of
1980) was invalid on the grounds that no prior proper consultation
had taken place with the relevant Lebowa Cabinet Ministers. It was
further submitted that the excision proclamation amended the wrong proclamation, namely Proclamation R156 of 1971 instead of Proclamation R225 of 1972.

The State argued that the 1972 Proclamation only changed Lebowa's status, while the 1971 Proclamation was relevant to determining its borders. The Supreme Court found that the South African Department of Constitutional Development and Planning had amended the correct proclamation, and ruled in favour of the validity of the incorporation (Race Relations Survey, part 2, 1986:638). This ruling by the South African Supreme Court in Pretoria affected many Lebowans and serves as an example of the participation of the judiciary in the rule-making process in Lebowa.

5.9 CONCLUSION

This chapter has indicated that the rule-making function in Lebowa is performed at local, regional and central authority level. Three rule-making structures have been mentioned at the local level, namely: the tribal, community, and town council authorities. Tribal Authorities are based on traditional practices and leadership.

"As long as Bogoshi (Chieftainship) still commands the respect and loyalty from both young and old, educated and uneducated, this form of government will continue to exist. It is the form of government apparently understood and respected by about half of the population
in Lebowa" (Botha 1983:432). The rule-making at this tribal level follows a rather static approach aimed at maintaining the status quo.

Community Authorities are organized along similar lines to Tribal Authorities, with the exception that Community Authorities are premised on more democratic principles than Tribal Authorities. Traditionalism does not play any significant role in the rule-making process.

Town councils are also constituted and run democratically without any traditional influence, but as has been indicated, most of their functions, powers and duties, with regard to the making of by-laws and town administration, are exercised by the Lebowa Government through its Department of Home Affairs. As a result of this direct intervention by the Lebowa Government, town councils are rendered meaningless and less effective.

Regional authorities are found at the second level of government. They are not democratically elected institutions. Their main function, as indicated, is to advise the Lebowa Government and to submit representations in connection with all matters pertaining to the people in their area of jurisdiction. Their rule-making function is minimal. In fact, the regional authorities appear to have become completely powerless since the appointment of District Magistrates and district officers representing other Departments.
At the highest level of authority, the Lebowa Legislative Assembly was discussed. As was pointed out, the Lebowa Legislative Assembly is not a fully and popularly elected body of a sovereign state. The ratio of elected members to designated traditional Magoshi is 4 to 6.

The Legislative Assembly has limited rule-making powers in terms of the Black Homelands Constitution Act. The State President must assent to all bills passed by this body before they enjoy force of law. The Standing Rules of procedure applicable in the Lebowa Legislative Assembly have been inherited from the South African Parliament, and are premised on democratic principles. Whether the majority of the members of the Assembly understand the purpose and the value of these procedures is questionable.

The importance of the Lebowa Cabinet in the rule-making function has been stressed. Cabinet decisions are the main source of rule-making in Lebowa. Even the rule-making activities of the Lebowa Legislative Assembly are subject to the prior approval of the Cabinet, and a substantial number of important national issues have been finalised through Cabinet rulings.

The role of the bureaucracy in policy formulation or rule-making has been examined. This role varies widely from Department to Department in Lebowa, while senior civil servants may play a significant role in departmental decision making or in influencing other rule-making structures in the Lebowa political process.
Finally, the South African Central Government was discussed as a major and dominant participant in the rule-making function in the Lebowa political process. The Black States Constitution Act grants the Central Government through the State President substantial rule-making powers in Lebowa.

In view hereof, it can be concluded that three rule-making structures, namely the Lebowa Cabinet, the Lebowa Legislative Assembly and the Central Government, are the nucleus of rule-making in the Lebowa political process. The next chapter will address itself to the manner in which the rule application function is performed in the Lebowa.
CHAPTER 6: RULE-APPLICATION

6.1 INTRODUCTION

The purpose of this chapter is to discuss the rule-application function as performed by different structures in the Lebowa political system. Rule-application is the function which follows rule-making in the conversion process, and its purpose is to implement or carry out such rules as are made.

The concept "rule-application" refers to the implementation of rules, and the extent to which a general policy or rules are carried out (Almond and Powell 1966:154). While the legislature and the judiciary are responsible for the rule-making and the rule-adjudicating functions, the executive can be described as that cluster of institutions or structures responsible for the application of governmental decisions (De Crespigny & Schrire 1978:17).

Almond and Powell (1966:142) describe their perception of the function and relevance of rule-application as follows:

The sheer volume of rules to be enforced, resources to be gathered, and information to be processed and transmitted requires the rule-making structure, be it monarch, legislature, or common assembly, to seek assistance in application. It becomes imperative that the system develop capabilities to meet new goals.
or pressures; effective rule application is a necessary prerequisite to such development.

6.2 THE BUREAUCRACY IN THE LEBOWA POLITICAL SYSTEM

The characteristics of the bureaucracy were first formulated in a systematic manner by the German sociologist Max Weber whose definition and theories laid the foundations for many subsequent works on the topic. Important in any discussion of bureaucracies are:

(a) the division of labour in the organization;

(b) its authority structure;

(c) the position and the role of the individual member; and

(d) the type of rules that regulate the relations between organizational members.

(Encyclopaedia Britannica, volume 2, 1990:642-643)

Almond and Powell focus on the bureaucracy because: "In order to understand the peculiar role of bureaucracy, we have to start with the output side of the political system. We would like to argue the thesis that bureaucracies tend to monopolize outputs. Only bureau-
crats enforce laws, policies, or decisions" (1966:153). This statement emphasises the importance of bureaucrats in rule-application.

The different political cultures prevalent in Lebowa and the United States of America make it necessary for the role of the bureaucracy in rule-application in Lebowa to be interpreted differently from that in America. The bureaucracy should not be seen as comprising only the civil servants in government departments, but should include other institutions such as parastatals.

According to Almond and Powell, the concept bureaucracy refers to the relatively elaborate organization through which rulers or rule-makers seek to implement their decisions. Therefore, bureaucracies are the structures charged with rule-application (Almond & Powell 1966:144-145). For the purpose of this discussion of the role of the bureaucracy in the Lebowa, it will be deemed to include the Cabinet, the various government departments in Lebowa, the South African Central government departments, parastatal institutions, the Lebowa local authorities, and Tribal and Community Authorities, all of which are charged with the rule-application function.

6.2.1 THE LEBOWA CABINET AND THE RULE-APPLICATION FUNCTION

Two types of executive branches of government are generally found in constitutional states. These are the parliamentary executive which is controlled by parliament, and is similar to the Chief Minister and
his Cabinet in Lebowa, and the non-parliamentary or fixed executive such as the President of the United States of America (Strong 1972: 210). The committee system in Switzerland is an exception.

The administration of Lebowa as a self-governing territory in respect of the matters referred to in schedule 1 of the Black States Constitution Act, vests in the Cabinet (Act 21 of 1971 section 5). The Executive Council or Cabinet has the power to make provision for the exercise of the powers and the performance of the functions and duties conferred or imposed upon it under any law. The members of the Cabinet are responsible for the administration of the government departments (Act 21 of 1971 section 5(3)).

In view hereof, the Chief Minister assigns and allocates responsibility for the control and administration of the different government departments to the various Cabinet Ministers (R.S.A.: Government Gazette R225 of 1972, Section 23). In Lebowa, the Cabinet plays a leading role in both the legislative and the executive branches of the government. As is the case in South Africa, all government departments operate under ministerial control. The Cabinet ensures the implementation of rules and government policy through the ministers who are the political heads of the government departments (Pheme 1988:145).

Cabinet Ministers have powers to issue regulations in accordance with specific Acts. It must be stressed, however, that these regulations must be intra vires, i.e. always subject to the provisions of the
enabling Acts of Parliament. This norm is also applicable to standing orders of procedure developed by public institutions with the approval of respective Ministers. In addition, the Cabinet in Lebowa must co-ordinate the actions of the ten government departments to ensure coherence and efficiency in their rule-application function. The Cabinet is collectively responsible to the Lebowa Legislative Assembly for governing the territory and for implementing the general policy of the government. Cabinet Ministers are individually responsible for the execution of particular public activities and the implementation of specific rules by their departments (author's observation).

In this way, the Cabinet performs the rule-application function through the bureaucracy. Almond and Powell speak of bureaucracies as the relatively elaborate organization through which rulers or rule-makers seek to implement their decisions (1966:145). These are structures charged with rule-application. The ten government departments and a few non-departmental institutions constitute the central bureaucracy in Lebowa.

6.2.2. SCOPE OF THE BUREAUCRACY IN GOVERNMENT DEPARTMENTS

Government departments are the second important component of the bureaucracy. It is necessary to examine the scope of this part of the bureaucracy to appreciate its importance in the rule-application function.
According to the seventeenth annual report of the Lebowa Public Service Commission, the total labour force in all ten departments on 31 December 1989 was 22,790. The report further states that 13,534 officers occupied permanent posts, and 9,256 general assistants occupied temporary posts (Lebowa Government, Public Service Commission Report 1989:1). These figures exclude the white officials seconded from South Africa who numbered 392.

6.2.3 GOVERNMENT DEPARTMENTS AND THE RULE-APPLICATION FUNCTION

Almond and Powell provide a general explanation of what the role of the bureaucracy through government departments is (1966:154):

In the modern era most legislation is of a very general kind; in order that it may be effectively enforced, administrative officials must work out regulations or regulatory codes elaborating the policy which has been adopted by the political branches of government. Usually the extent to which a general policy is carried out is dependent upon the interpretations which bureaucrats give to it, and upon the spirit and effectiveness with which they enforce it. Thus, much of the substance of policy is a matter of decision by bureaucrats, and the effectiveness of policy is the consequence of the spirit and the will of bureaucrats.

Executive activities in the Lebowa public sector are undertaken by organisational units which are referred to as institutions or depart-
ments. Each such a department is responsible for a clearly demarca-
ted field of work (Pheme 1988:168). As indicated previously, these
government departments and institutions constituting the bureaucracy
in Lebowa are the operational branch of the executive. "The depart-
mentulisation is primarily according to functions" (Pheme 1988:166).

The rule-application function in the Lebowa political system is
performed by ten executive government departments. The main function
of the Department of the Chief Minister is to promote the efficient
functioning of government departments and to co-ordinate their activi-
ties. It renders services pertaining to tribal and regional mat-
ters, constitutional affairs, public relations, urban representa-
tives, the Public Service Commission and land matters (Lebowa Govern-
ment, Yearbook 1990:15-21). All laws and decisions in respect of
these aspects are implemented by this department through its branches
and substructures.

The Department of Home Affairs provides services pertaining to
population registration, labour matters, printing services, civil
protection, the administration of electoral laws, land survey and
town administration.

The Department of Public Works and Transport is responsible for the
provision and maintenance of infrastructure in the whole of Lebowa
for electricity supply, building services, roads and bridges, and
government transport.
The Department of Education controls the educational sub-system in Lebowa while the Department of Agriculture and Environmental Conservation provides services and guidance pertaining to all aspects of the agricultural system.

The Department of Justice's main objective is to ensure an organized and peaceful community within the framework of the relevant Acts, legal principles and instructions.

All health, sports and recreational services, the provision of social pensions and population development services are the responsibility of the Department of Health and Social Welfare.

The Department of Finance's main aim is to establish and maintain an overall financial policy for Lebowa and to regulate and control its finances.

The economic development of Lebowa, including commerce, industries, mining, tourism and manpower, is the responsibility of the Department of Economic Affairs and Technology.

The maintenance and the enforcement of law, order and security within the powers as prescribed by the Black States Constitution Act (Act 21 of 1971) is the responsibility of the Department of Law and Order (Lebowa Government, Yearbook 1990).
All departments perform the rule-making application function through different but coordinated substructures or branches which are mostly centralised at the Head Office level. A network of well-staffed District offices have been established by some of these departments in all 13 magisterial districts of Lebowa to perform the rule-application function at the grassroot level. The Department of Law and Order, for example, has at least one Police Station in each district. The Department of Education has at least one Circuit Office in each district. The Department of the Chief Minister uses the services of all District Magistrate's Offices to implement rules and decisions in respect of tribal and community matters. The style and pattern in which the rule-application function is performed is uniform in all government departments in Lebowa, with the exception of the Department of Law and Order where force is sometimes resorted to due to the nature of specific rules. Police officers may perform the rule-application function through different methods which could include:

(a) the execution of summonses;

(b) arrests and detentions;

(c) conducting searches with or without warrants and confiscations;

(d) conducting road blocks;
(e) the protection of lives and properties; and

(f) the general prevention of crime and maintenance of order.

(The Lebowa Police Act 16 of 1986)

The Department of Law and Order's pattern or style of performing the rule-application function is different from that of the other Departments in many respects. While other departments largely administer the laws functionally relevant to them, and perform law enforcement on a fairly limited scale, the Law and Order Department is geared for law enforcement rather than ordinary administrative functions. This distinction gives the Department of Law and Order a specific character.

An example hereof is provided by the administration of the Lebowa Intoxicating Liquor Act (Act 5 of 1975) through the Lebowa Liquor Board which is the responsibility of the Department of Justice. The enforcement of the law through arrests is, however, the responsibility of the Department of Law and Order. During the year 1989/1990, 1835 people were arrested by the Lebowa Police for being engaged in the illegal sale of liquor (Minister of Law and Order, N.M. Ramodike, Policy and Budget Speech 1990:31).

In another instance, the electoral laws in Lebowa are administered by the Department of Home Affairs, while transgressors of these electoral laws have to be arrested by the Police. The Traffic section is
also a branch within the Department of Law and Order. During the year 1989/90, 2906 summonses were issued for speed offences, 628 for offences under the Motor Transport Act, 22 878 for general traffic offences, while 717 summonses were issued against people who contravened the Trade Act. This brings the total number of summonses issued to offenders to 27 129 (The Minister of Law and Order, N.M. Ramodike, Policy and Budget Speech, 1990:39).

It should be pointed out, however, that some of the other departments are also partially responsible for law enforcement. In certain instances they can also issue summonses. This could result in cases of administrative judicature or determining of penalties for transgressors as is the case with poaching offences dealt with by the Department of Agriculture and Environmental Conservation.

The style and pattern in which the rule-application is performed in the other nine departments in Lebowa is, generally, uniform in the sense that they are governed by the same Public Service Act. Their administrative and control procedures are also more or less similar (author's observation).

As indicated earlier, cabinet ministers are the political heads of the respective departments. Every request for action by a minister, and consequently every request for action by the cabinet, will however, always first be processed by the secretary of the appropriate state department. In practice, the link between a department and the minister is the secretary (author's observation).
6.2.3.1 THE ROLE OF THE TREASURY IN THE APPLICATION OF THE BUDGET ACT

The *sui generis* position of the Department of Law and Order has been discussed. A branch of the Department of Finance which is significantly involved in the rule-application function, is the Treasury. The reason for looking at this branch of the Department of Finance lies therein that one of the most important tasks of any political system is the preparation and implementation of the budget of a government. This process entails the making of one of the most fundamental rules and its application.

The chapter on rule-making addressed the procedure for the handling of financial bills in the Lebowa Legislative Assembly. The 1986 Lebowa Appropriation Bill was discussed as an example in paragraph 5.5.2.1.3. The role of the Treasury as a body of control in the application of the budget act will be discussed.

In the Exchequer and Audit Act, 1975 (Act 66 of 1975, section 1) the Treasury is described as the "central financial authority" in the Public Service. The same section points out that the Treasury exercises powers which have to be exercised by the Minister of Finance or a specific officer or officers of the Treasury. As a result, the Treasury acts as the secretariat to the Minister of Finance.

In addition, the Treasury may be described as the department which, subject to the control of the cabinet, and the authority of the Legis-
lative Assembly, is responsible for the administration of the public finances of a country (Heath 1927:1).

The primary function of the Treasury is to co-ordinate and control spending by public institutions. It ensures that a proper system of administration and accounting is laid down and adhered to by the functionaries immediately responsible for the utilisation of public funds. The authorisation of expenditure also falls to the Treasury (Rogers 1981:26).

The Treasury in Lebowa is subdivided into the following sections: Estimates, Financial Dispensation and Revenue. While it is the responsibility of the Treasury to co-ordinate and compile final estimates for all the departments, it is also its duty to act as "watchdog" over the use of government finances. The Estimates section further liaises with the South Africa Central Government regarding the acquisition of funds (Lebowa, Policy and Budget Speech of the Minister of Finance 1989/90:6).

The Financial Dispensation section is responsible for general financial control including all loans raised by the government. This section is also responsible for the control of the departments' requests to write off losses and damage to government property (Lebowa, Policy and Budget Speech of the Minister of Finance 1989/90:7).

The main function of the Revenue section is to control and record all revenue collected by Lebowa government institutions. It is
through this section of the Treasury that the Legislative Assembly can determine whether the territory's sources of revenue are adequate (Lebowa, Policy and Budget Speech of the Minister of Finance 1989/90:8). Furthermore, it is the duty of this section to see to it that money due to the state is properly accounted for (Lebowa, Policy and Budget Speech of the Minister of Finance 1989/90:9).

The three sections described above, are headed by a unit whose duties approximate those of a financial critic and banker. It is the duty of this unit to curb overexpenditures by departments and to report to the Minister of Finance (Lebowa, Policy and Budget Speech of the Minister of Finance 1989/90:9).

The functions and powers of the Treasury are stipulated in the Exchequer and Audit Act, 1975 (R.S.A.: Act 66 of 1975, sections 1-39). This Act gives the Treasury wide powers to control government expenditure. For example, the expenditure voted by the Lebowa Legislative Assembly is a maximum amount. This does not mean that the departments must, or may, spend the maximum amount. The Treasury as the watchdog over the use of government funds, may restrict expenditure on a given service or suspend the service (R.S.A.: Exchequer and Audit Act 66 of 1975, section 8).

The Treasury in Lebowa performs the following functions (Lebowa, Report on the Organisation and Establishment of the Department of Finance 19:1984, Annexure B):
(a) the consolidation and control of estimates;

(b) the granting of approvals;

(c) the handling of government loans;

(d) the maintenance of the Exchequer ledgers;

(e) the approval of the Board of Survey reports on the disposal of obsolete and redundant stores.

The following anecdote is useful to illustrate this supervisory, and in some instances, even regulatory, role of the Treasury. During one of the meetings of the Sessional Committee on Lebowa Government Public Accounts appointed in terms of Rule 148 (b) of the Rules of procedure of the Lebowa Legislative Assembly in 1988, several questions were directed by the members of the Sessional Committee to the Treasury about financial control and administration. One of the questions raised was whether the drought relief money received from the South African government may be transferred to the following financial year without losing the right to ask more in that particular year.

The Head of the Treasury replied as follows (Lebowa: Report of the Sessional Committee on Public Accounts 1988:15):

We have never picked up problems in this regard because, if for example, the South African government allocated R2 million for
employment creation or drought relief we cannot spend R1 million on that earmarked project and the rest for something else. We have to carry the balance over to the next financial year. If we have to use it for an emergency, then we will have to get a special approval for that because that amount has been earmarked for that specific purpose by South African government.

The Treasury in Lebowa also attempts to enforce and apply financial control measures which will eliminate theft in all government departments and offices. In this regard, the Head of the Treasury remarked as follows (Lebowa: Report of the Sessional Committee on Public Accounts 1988:21):

We from the Treasury have appointed a special unit of financial inspectors who check all the Magistrate Offices at random. In other words, they don't follow a specific programme, they can check for example Bolobedu today, the next day Bochum and the following day Bolobedu again. They don't follow a specific programme.

These examples illustrate the role of the Treasury in the control and application of the Budget Act in Lebowa.

6.2.4 THE SESSIONAL COMMITTEE ON LEBOWA GOVERNMENT PUBLIC ACCOUNTS

This is an important supervisory institution of the Legislative Assembly. It demands financial accountability, especially from the
responsible Secretaries of departments (Accounting Officers). The Committee is, therefore, an important watchdog in the process of rule-application. The report of the Auditor-General is usually submitted to this Committee for debate. The Sessional Committee on Public Accounts consists of five members of the Legislative Assembly including the chairman (Lebowa: Standing Rules of Procedure, Act 1 of 1972, section 148).

The Committee is appointed after the beginning of each session of the Legislative Assembly and its terms of reference are to examine and to report to the Legislative Assembly upon:

(a) the accounts showing the appropriation of the sums granted by the Legislative Assembly to meet public expenditure; and

(b) the annual report of the Auditor-General which report shall stand referred to the Sessional Committee.

(Lebowa: Standing Rules of Procedure, Act 1 of 1972, section 148)

The Lebowa Sessional Committee on Public Accounts has shown itself to be very sensitive to irregularities such as unauthorised expenditure by government departments. The Committee showed great concern in this regard when questioning the unauthorised expenditure of about R2 587 881 for the "Motor Financing Scheme" envisaged for members of the Lebowa Legislative Assembly. The Committee was perturbed by the fact that the aforementioned amount was paid from government funds.
without provision having been made for the expenditure in the Appropriation Act by the Legislative Assembly (Lebowa: Report of the Sessional Committee on Public Accounts 1989, part I, page 8). More examples of the activities of this Committee are outlined in section above.

6.2.5 LOCAL GOVERNMENT IN LEBOWA

Local government in Lebowa comprises three types of local authorities. These are Tribal Authorities, Community Authorities and town councils. The Tribal and Community Authorities are established in terms of the Black Authorities Act, 1951 (Act 68 of 1951 Section 2).

The rule-application function at the tribal and the community level is performed by Tribal or Community Authorities through their local administrative personnel such as the tribal secretary and the tribal police (author's observation). It is the duty of each tribal secretary to ensure the implementation of all tribal resolutions including the collection of tribal levies (Interview: Maraba, Tribal Secretary, 1990).

Generally, the functions of the Tribal and Community Authorities are to administer the affairs of the tribes and communities in respect of which it has been established; to render whatever assistance and guidance to its Chief or Headman in connection with the performance of his functions, and exercise of his powers, and to perform such functions and duties including any of the powers, functions or duties
conferred or imposed upon its Chief or Headman under any law, as are in accordance with any applicable Black law or custom, or in terms of any regulations required to be exercised or performed by such Tribal or Community Authority (R.S.A.: Black Authorities Act 68 of 1951 Section 4).

For effective rule-application at the grassroot level, the Tribal or Community Authorities also make use of the services of traditional Headmen (cf. Chapter 3 above).

Whereas town councils were granted delegated powers elsewhere in South Africa, towns in Lebowa are managed by the Lebowa government through its Department of Home Affairs. The Town Administration Division within this department is responsible not only for the formulation of policies on town administration in conjunction with the Department of Development Aid of the Republic of South Africa, but also for the implementation and application of these policies (Pheme 1988:174).

At the head of the organization of a town is an appointed Manager charged with the administration of that town in terms of the relevant rules and regulations. The Manager may be assisted by one or more Superintendents depending on the size of the town. In cases where no Manager or Senior Superintendent has been appointed, the Superintendent will perform his duties under the control of the Magistrate of the district or under the direct control of the Secretary of the Department of Home Affairs. Their functions and duties are prescribed

For some towns, Town Councils are established by the Lebowa Government. Town Councils are not autonomous bodies because they are under the stringent control of the Lebowa government through its Department of Home Affairs. The personnel of town councils are also under the control of the Lebowa government, and the people actually performing the rule-application function in the towns are personnel of the Department of Home Affairs. Town councils largely act in an advisory capacity. Although the relevant regulations provide for more powers which can be conferred on town councils, in practice, no real administrative powers have been conferred on such councils by the Lebowa government. Town Managers, Superintendents and Magistrates play a significant role in the performance of the rule-application function in Lebowa towns. In view of the many rule-application functions performed by departments such as those of Works, Justice, Health, and Home Affairs in towns, it is evident that the administration of towns in Lebowa is the responsibility of the government (Botha 1983:429-430). The government has established offices in all towns throughout Lebowa to provide instant services to town residents.
6.2.6 THE PUBLIC SERVICE COMMISSION AS A RULE-APPLICATION STRUCTURE

The Lebowa Public Service Commission is constituted in terms of the National States Constitution Act, 1971 (Act No 21 of 1971). The powers, functions and duties of this Commission are stipulated in the Lebowa Public Service Act, 1972 (Act No.2 of 1972 as amended). The Commission consists of three members appointed by the Cabinet. It is a special kind of institution of rule-application and is not part of another department. It is responsible for a unique form of application because its primary objective is to monitor and establish procedural prerequisites for effective rule-application. As a result, it is primarily responsible for the establishment of a sound foundation on which effective rule-application is based.

The Efficiency Branch of the Commission ensures and promotes the efficient functioning of the rule-application structures through the rendering of the following services to the departments:

(a) the provision of organisation and establishment inspection services;

(b) workstudy investigations;

(c) improvement of procedures and methods and the introduction of standard procedures; and
(d) the provision of training to the government employees.


The Efficiency Branch of the Public Service Commission is also responsible for the performance of the following duties:

(a) The determination of norms applied to work measurements and work sampling studies;

(b) Compilation of, and alterations to, the filing systems;

(c) Incentive schemes;

(d) Form design and form control;

(e) The promotion of efficiency in general.

The purpose of the Inspectorate Branch within the Lebowa Public Service Commission is to render inspectorate services. It is mainly concerned with:

(a) Carrying out work performance inspection;

(b) Carrying out special investigations on behalf of the Commission to identify structural problems and shortcomings and to make proposals to rectify such matters;
(c) Investigating and making proposals regarding the functional division of government departments and activities, and also matters relating to the post and personnel structure.


In this way the Lebowa political system ensures the efficient performance of the rule-application function by government departments in an impartial manner. The Public Service Commission plays an important role in this regard.

6.2.7 THE SOUTH AFRICAN CENTRAL GOVERNMENT DEPARTMENTS

Certain matters are reserved from legislation and administration by the Lebowa government in terms of the National States Constitution Act, 1971 (R.S.A.: Act 21 of 1971, Section 4). All rule-application related to these reserved matters which include defence or military services, postal, telegraph, telephone, radio and television services, railways and national roads, currency and banking, foreign affairs, and the preservation of internal security, is performed by the South African government through its State departments.

The South African Department of Law and Order will be used as an example. The application of the Internal Security Act within all the self-governing territories in South Africa, including Lebowa, is the responsibility of the South African Department of Law and Order. The
implementation and application of the National State of Emergency rules and regulations as declared by the State President on 12 June 1986 was carried out by the South African Police in Lebowa (R.S.A.: Bureau for Information, 1987:3).

The South African Defence Force has established regional battalions to provide defence and the protection services for the non-independent homelands. 115 Battalion based at Messina was formed for Lebowa (Race Relations Survey, 1988/89:522). It is through this regional battalion that the South African Defence Force implements protective rules and laws in the Lebowa political system.

All national roads passing through Lebowa are the responsibility of the Central South African government through the Transvaal Provincial Administration. The maintenance and enforcement of the road traffic laws on these national roads is also in the hands of the R.S.A. These examples serve to demonstrate the involvement of the South African government departments in the performance of the rule-application function in the Lebowa political system.

6.2.8 PARASTATAL INSTITUTIONS

Different control boards, state enterprises and public corporations supply a diversity of services to the Lebowa political system. Some of the laws, decisions and the development policy of the Lebowa Government are administered and implemented by these institutions.
The Lebowa Development Corporation and its subsidiary companies, the Lebowa Marketing Board, the Lebowa Road Transportation Board, the Lebowa Liquor Board, and the Lebowa Tender Board are examples of such institutions. For purposes of this study, the rule-application function as performed by the Lebowa Development Corporation (LDC), and the Lebowa Liquor Board (LLB), will be dealt with.

6.2.8.1 THE LEBOWA DEVELOPMENT CORPORATION

The Lebowa Development Corporation was established in terms of sections 5(1) and (3) of the Promotion of Economic Development of National States Act, 1968 (R.S.A.: Act 46 of 1968, and Proclamation R167 of 1976), and reconstituted in 1984 in terms of the Lebowa Corporations Act, 1984 (Act 16 of 1984).

Its main function is to inaugurate, plan, finance, coordinate, promote, or carry out or assist in the inauguration, planning, financing, co-ordination, promotion or carrying out of projects which are intended to benefit and develop Lebowa and black persons economically or which relate to the exploitation, development or utilization of natural resources, which in addition to the ordinary meaning thereof shall include labour, land, minerals, metals, precious stones, wood, water, agriculture, fishing and sea products, methods of transport and communication, and methods for the development of power, and to provide capital, assistance and specialised advise (R.S.A.: Promotion
of Economic Development of National States Act 46 of 1968, Section 4(1)(b), (f) and (b)).

The administration and the application of rules and decisions pertaining to these functions is done through different specialised substructures within the Corporation. These include the Industrial development branch, Commercial development branch, Housing development branch and the Mining branch (Lebowa Development Corporation, Annual Report 1987:7-15). These substructures are staffed by an efficient, well trained staff under the Managing Director and the Board of Directors.

Through its field officers and a network of geographically dispersed offices, the Corporation is able to provide for strategic contact with the people of Lebowa and to implement its rules and decisions even at the grassroot level (Lebowa Development Corporation, Annual Report 1987:5). The LDC is, in essence, the economic arm of the Lebowa political system and presents its report to Lebowa Cabinet annually through the Minister of Economic Affairs and Technology who in turn usually tables it in the Lebowa Legislative Assembly (Lebowa, Report on the Organisation and Establishment of the Department of Economic Affairs, 1983, Annexure B). The Lebowa government is the sole shareholder in the LDC (Lebowa, Policy and Budget speech of the Minister of Economic Affairs and Technology 1990:20).

It is important to note that the LDC makes and implements its rules through its board of directors.
6.2.8.2 THE LEBOWA LIQUOR BOARD

The Liquor Board was established in terms of the Lebowa Intoxicating Liquor Act, 1973 (Act 7 of 1973). The Board consists of a chairman and two other members appointed by the Lebowa Minister of Justice for three years. It is responsible for the execution and the administration of the Lebowa Intoxicating Liquor Act.

In terms of this Act, all laws and regulations pertaining to applications for liquor licences, transfer of licences, removal of licensed business sites to other premises, and the cancellation of licences are administered and applied by the Board. The Board uses the services of the District Magistrate's Offices throughout Lebowa to implement rules related to its functions at the grassroot level, such as the processing of the liquor licence applications (Lebowa Government, Year Book 1990:88).

In 1989 the Board considered 432 applications of which 67 were approved, 45 disapproved and 311 not finalised. This indicates how involved this Board is in implementing the rules and regulations relating to the liquor trade in Lebowa (Lebowa Government, Budget and Policy Speech, The Minister of Justice, 1990:35).

The rule-application function in Lebowa is also performed by parastatal institutions of the Republic of South Africa whose areas of juris-
diction transcend borders of the Lebowa political system. The South African Broadcasting Corporation and the South African Transport Services (Transnet) are examples of such organisations.

6.3 CLASSIFICATION OF BUREAUCRACIES

This discussion of the bureaucracy in Lebowa necessitates an evaluation of the role played by the bureaucracy in the political system of Lebowa. One method of achieving this is to classify the bureaucracy in terms of its main characteristics and functions.

Almond and Powell use Merle Fainsod's classification which is based on different relationship patterns between bureaucracies and political agencies. Fainsod suggests five types of bureaucracies (Almond & Powell 1966:149; Fainsod 1963:233):

(a) representative bureaucracies;

(b) party-state bureaucracies;

(c) military-dominated bureaucracies;

(d) ruler-dominated bureaucracies; and

(e) ruling bureaucracies.
6.3.1 REPRESENTATIVE BUREAUCRACIES

This type of bureaucracy is described "as characteristic of political systems in which the ultimate political authority is determined by a competitive political process" (Fainsod 1963:233; Almond and Powell 1966:149). Representative government and the competitive party system are necessary prerequisites for this type of bureaucracy. The initiatives of representative bureaucracies must be adjusted to an underlying political consensus. The dynamics of change are regulated by the competitive political process (Fainsod 1963:233). The present political party system operating in Britain has resulted in a situation in which the bureaucracy functions as a relatively effective rule-application instrument of the Cabinet, the ruling party, and Parliament (Almond & Powell 1966:150).

6.3.2 PARTY-STATE BUREAUCRACIES

According to Fainsod, party-state bureaucracies are by-products of totalitarian regimes and other one-party-dominated political systems (1963:235). The superimposition of a political bureaucracy on a functionally differentiated and technically competent governmental bureaucracy, is characteristic of this type of political system. The control of the Soviet governmental bureaucracy by the Communist Party is a unique example hereof (Almond & Powell 1966:150).
6.3.3 MILITARY DOMINATED BUREAUCRACIES

In this category, Fainsod specifically refers to systems in which one component of the bureaucracy and members of the officer corps of the security forces, take over the civilian bureaucracy. Historically, this is a common pattern in the contemporary world. Depending on the training and ideology of the officer corps, these systems may be characterized as being either conservative or modernizing (Fainsod 1963:238; Almond and Powell 1966:152).

6.3.4 RULER-DOMINATED BUREAUCRACIES

Fainsod here refers to political systems in which "an autonomous ruler imposes his rule through a bureaucracy or officialdom" (Almond & Powell 1966:152). There are similarities between ruler-dominated bureaucracies and "bureaucratic empires" as advocated by Eisenstadt.

6.3.5 RULING BUREAUCRACIES

In this category, the bureaucracy itself provides the ruling element in the political system (Almond & Powell 1966:152). Certain cases of colonial rule in which the colonial administrators in the remote situation with "minimum direction from a metropolitan center and with more or less absolute authority over the local inhabitants", are
provided by Fainsod as examples of this form of bureaucratic system (Fainsod 1963:236-237; Almond and Powell 1966:152).

In terms of this classificatory framework of political systems proposed by Fainsod, it would appear that the bureaucracy in Lebowa displays elements of the representative, ruling, and party-state bureaucracies.

In the first instance, the bureaucracy in Lebowa can be classified as representative because the ultimate political authority in the Lebowa political system is determined by a competitive political process. The Lebowa People's Party (LPP) and many independent candidates have been very active in stimulating this competitive political process. In chapter 4 (paragraph 4.4) of this study, mention is made of the activities of the Lebowa People's Party and some independent candidates.

Since the establishment of the Lebowa government in 1973, it has been the duty of the bureaucracy to execute and implement the policies of the ruling Lebowa People's Party. In this sense, the bureaucracy is representative.

It is questionable, however, whether the political process in Lebowa can be considered to be competitive while the ratio of representatives in the Legislative Assembly is 60 to 40 in favour of designated traditional Chiefs as against elected members. In view of this constitutional reality, it would be appropriate to conclude that
the competitiveness of the Lebowa political process is confined to the 40 seats of popularly elected members of the Legislative Assembly. Therefore, the requirements for representativeness are partially satisfied by the bureaucracy in the Lebowa political process (author's observation).

The bureaucracy in Lebowa also displays strong elements of a ruling bureaucracy. It should be kept in mind that an important part of the bureaucracy in Lebowa consists of white officials seconded from the government of the Republic of South Africa. These officials do not form part of the Lebowa civil service. They are directly controlled and paid by the South African government. Therefore, in practice, they are responsible and loyal to the South African government, and not the Lebowa government (author's observation). This corresponds to Fainsod's examples of colonial rule in which the colonial administrators in the field function with "'minimum direction from a metropolitan center and with more or less absolute authority over the local inhabitants'" (Almond & Powell 1966: 152).

Thirdly, features of a party-state bureaucracy are also noticeable in the Lebowa bureaucracy. The activities of the independent candidates in elections are still too weak for them to function as a de facto opposition party. There is, therefore, only one political party in Lebowa, and all bureaucratic activities are geared towards the implementation of that party's policy. It could therefore be argued that it is partially a party-state bureaucracy. The role of the Department of Home Affairs in local government supports this view.
In view of the facts outlined above, it can be concluded that the bureaucracy in Lebowa is partially a representative bureaucracy, but that it displays elements of a ruling bureaucracy and a party-state bureaucracy.

6.4 CONCLUSION

The main rule-application structures in the Lebowa political process were briefly outlined and discussed. It was shown that the Cabinet of Lebowa plays an important role in the rule-application function through its cabinet meetings and its Cabinet Ministers who serve as the political heads of the respective government departments.

The government departments also featured very prominently as the outstanding rule-application structures. For the efficient and effective performance of the rule-application function, most departments have established offices at the district level throughout Lebowa. It was also observed that the style and pattern in which the rule-application function is performed, is similar in all departments with the exception of the Department of Law and Order.

Some of the South African government departments also play a significant role in the rule-application function in the Lebowa political process.
The role of the Treasury as a body of control in the application of the Budget Act was outlined. It was explained that the Exchequer and Audit Act describes the Treasury as the central financial authority in the Public Service.

The Lebowa Public Service Commission was discussed as a special example of a rule-application structure. Its composition, functions and procedure were explained.

Parastatal institutions also serve as rule-application structures within the Lebowa political system. The Lebowa Development Corporation and the Lebowa Liquor Board were briefly discussed in this regard. There are no unique features of style or pattern of rule-application in either instance.

Local authorities, namely Tribal and Community Authorities and town councils were also discussed as rule-application structures in the Lebowa political process.

Merle Fainsod's classification based on different relationship patterns between bureaucracies and political agencies was used to analyse the Lebowa bureaucracy.

In conclusion, it can be stated that the Lebowa political system has succeeded in developing effective and efficient rule-application structures at all governmental levels. At the tribal and community
level, government involvement in performing the rule-application function is less than is the case at town council level.

Although the Department of Law and Order was shown to have a specific style and pattern of rule-application, it is not unique as other departments are also partially responsible for law enforcement in Lebowa.

There is still room for improvement in respect of the efficient and effective performance of the rule-application function in all the structures outlined and discussed.
CHAPTER 7: RULE-ADJUDICATION

7.1 INTRODUCTION

According to Almond and Powell (1966:158-159):

The primary rules of the political system impose authoritative restraints or obligations on individuals.... But in any case, some provision must be made for the possibility that the rules will be violated. Penalties for violation of the rules and enforcement procedures for these in various rule-application roles are commonly provided by the rules. However, serious conflict is inevitably generated over the issue of whether or not a rule has been violated in any given instance.

This necessitates the performance of the adjudication function which involves the process of making binding decisions as to whether or not a rule has been transgressed in a given case (Almond & Powell 1966: 159). The significance and indispensability of the rule-adjudication function in any political system is also emphasised by Almond and Powell (1966:158-160).

In view hereof, this chapter will address the composition, functions and processes of the following rule-adjudication structures in the Lebowa political system:
(a) Traditional courts. Those courts that are legally recognised and those that are not, such as family courts, Headman's courts and tribal courts (Kgoshi's courts) will be dealt with; and

(b) Statutory courts.

A brief discussion of both the general and the appeal procedures of traditional as well as statutory courts will be undertaken.

7.2 TRADITIONAL COURTS OF LAW

The traditional judicial system of Lebowa is based on the traditional social system of the territory. Among the Black peoples of Southern Africa, including Lebowa, there is no separation of the judiciary, the legislative, and the executive authority. Against this background, the following traditional rule-adjudication structures will be discussed: the family court, the Headman's court, and the tribal court (Kgoshi's court).

7.2.1 THE FAMILY COURT

7.2.1.1 COMPOSITION, FUNCTIONS AND PROCEDURE

In terms of tradition, the patrilineal descendants over approximately five to six generations from an identifiable ancestor are referred to
as "leloko". Each "leloko" is divided into a number of smaller lineages ("masika") which may ultimately develop into autonomous "maloko". The senior male relative in the leloko or lesika is recognised as its leader. With the assistance of other senior relatives in the lineage, he adjudicates in quarrels between members and also hears complaints lodged from outside against lineage members (Botha 1983:205). Outsiders have no access to the family court and disputes involving its members are settled as quietly as possible. Usually this court adjudicates matters related to customary practices, such as lobola (author's observation). The family courts hear only civil cases.

More than 80% of all civil disputes in Lebowa are heard and dealt with by these courts (Botha 1983:214). The family courts continue to perform an important function in promoting order and justice in all the tribes of Lebowa.

The jurisdiction of the family court is confined to members of the family. In practice, no person may start civil proceedings related to family matters (normally adjudicated by a family court) in a higher court without first going to a family court (author's observation).

In practice, there are no formally laid down rules of procedure for the handling of disputes at the family court level. Any person who is dissatisfied with the judgement of a family court has the right to lodge an appeal with the higher courts. The hierarchical sequence of
court seniority is: family court; Headman's court; Chief's court (tribal court); Magistrate's court (author's observation).

7.2.2 THE HEADMAN'S COURT

7.2.2.1 COMPOSITION, FUNCTIONS AND PROCEDURE

The Headman's court is the lowest public court encountered among the tribes of Lebowa. Like the Kgoshi, the Headman is also assisted in trials by senior relatives and advisors. All adult men may attend and take part in the court proceedings. No Headman may hear cases outside his area of jurisdiction which is determined through customary practices by the Kgoshi (Botha 1983:215). If the Headman is recognised and appointed in terms of the Black Administration Act, 1927 (R.S.A.: Act 38 of 1927), however, his jurisdiction will be determined by the Lebowa Government. As with family courts, Headman's courts hear only civil cases (author's observation).

7.2.3 THE CHIEF'S COURT (TRIBAL COURT)

7.2.3.1 COMPOSITION, FUNCTIONS AND PROCEDURE

Provision is made in terms of the Black Administration Act, 1927 (R.S.A.: Act 38 of 1927, section 12), for the authorisation of a Kgoshi (Chief) or Headman who is appointed or appointed under
section 2(7) or (8) of the Act, to hear and determine civil claims arising out of the Black Law and custom brought before him by Black persons against Black residents within his area of jurisdiction. In this sense, the Headman's courts and the tribal courts are legally recognised. It should be noted, however, that not all Headmen are recognised by the Lebowa Government.

The tribal court in Lebowa exercise such powers, and performs such duties and functions in connection with the administration of justice as may be assigned to it by law and custom. No judgement given by a Kgoshi, Headman, or deputy of a Kgoshi is deemed to be invalid by reason of its having been given or made by such Kgoshi, Headman or deputy acting on advice, or with the consent, or at the instance, of a tribal authority or any committee or councillor thereof. In effect, this means that the diKgoshi (Chiefs) are granted civil and criminal jurisdiction over their subjects in respect of less serious crimes (R.S.A.: Act 38 of 1927, sections 12 and 20).

A basic traditional rule of procedure upheld in all civil cases by Black communities is that no complaint can be brought in the absence of a complainant. One of the rare exceptions to this rule is criminal cases in which a subject transgressed or disobeyed a Kgoshi's order. Every complainant and defendant must appear in court personally, and no legal representation is allowed (Botha 1983:215).

Legal proceedings are normally started in the form of a claim for damages submitted to the court of the lineage head of the defendant.
If the demand is not met satisfactorily, the case goes on appeal to the court of the Headman (or sub-Headman), and from there to the tribal court (Kgoshi's court).

Among the Northern Sotho tribes a system known as the Batseta system, is in operation and popular between the lower and the higher traditional courts. In terms of this system, a litigant may approach the tribal court only through a succession of intermediaries (Botha 1976:189). These intermediaries may individually attempt to settle the dispute which can lead to a situation where a case may be judged twice or three times before being formally brought before the tribal court (Monnig 1967:311).

The procedure at the trial is usually in accordance with the recognised law and customs of the respective tribes in Lebowa. After a short interrogation, and on payment of the prescribed fees, the tribal or Headman's court will issue a summons for delivery to the defendant by the messenger of the court (Motseta wa Moshate). Magoshi (Chiefs) may, in their capacity as commissioners of oaths, administer the oath, and witnesses may be called upon to testify under oath. This practice is, however, not often used by the Magoshi in Lebowa (author's observation).

It is usual for the plaintiff to present his evidence and that of his witnesses first, after which the defendant and his witnesses will testify. To guard against distortion of evidence, witnesses who have not yet given evidence are, as a rule, not present while other
witnesses of the same party are giving evidence (Lebowa, Department of Justice, Guide on Chief's Courts 1973:4). Some of the tribal courts in Lebowa allow cross-examination of witnesses, while others do not allow this practice (author's observation). Any councillor, Headman, or the Chief himself, may also cross-examine the parties and the witnesses.

After the complainant has started his case, and before any evidence is led, the defendant is usually asked if he acknowledges his liability. If the answer is in the affirmative, he may submit a plea in mitigation. Traditionally, the defendant is never asked to plead guilty or not guilty, and it is the task of the court to decide through cross-examination whether he is culpable or not (Botha 1983:216).

After having heard the parties and their witnesses, the Chief or Headman in consultation with his councillors, gives judgement in accordance with the recognised laws and customs of the tribe on the points in dispute. If the dispute is not covered by traditional law or precedent, the Chief in consultation with his councillors, uses his common sense in coming to a finding and passing judgement. Judgment is usually given at the conclusion of the trial (author's observation).

The judgement debtor delivers the restitution ordered by the court to the court, which in turn hands it to the judgement creditor before witnesses (Botha 1983:216). In the event of reluctance to surrender
the goods in question, the tribal court may take the matter up with the Magistrate's court. This is necessary because the tribal courts in Lebowa are not accorded full powers of seizure by force (Lebowa, Department of Justice, Guide on Chief's Courts 1973:9).

In a case where a person is charged with having disobeyed a Kgoshi's order, or having transgressed any tribal rule, and is tried and found guilty, a fine may be imposed against him. At present, all fees and fines are deposited into the tribal treasury (Botha 1983:215). This procedure is applicable to both civil and criminal cases.

7.2.4 APPEAL PROCEDURES

Any person who is dissatisfied with the judgement of a particular traditional court in Lebowa, has the right to lodge an appeal to a higher court, up to the Magistrate's court. There are more than 130 tribes in Lebowa, and each tribe has its own appeal procedure. The only uniform appeal procedure which is observed in Lebowa, is that procedure governing appeals from the tribal court to the Magistrate's court. It is applicable to both civil and criminal cases (author's observation).

Any person who is dissatisfied with the judgement of a tribal court (Chief's court) has the right to appeal to the Magistrate's court of that district within two months of the date of the judgement. No appeal lies against a default judgement unless and until an appli-
cation for rescission has been refused (Lebowa, Department of Justice, Guide on Chief's Courts 1973:9).

The Clerk of the Magistrate's court with whom an appeal has been noted, notifies the relevant tribal court of this fact, and calls upon the Chief to furnish his reasons for judgement without delay. The Chief must respond within fourteen days. In the event of a delay by the Chief, the Magistrate is entitled to proceed with the appeal without the Chief's reasons for judgement (Lebowa, Department of Justice, Guide on Chief's Courts 1973:9-10).

On the day fixed for the appearance of the parties, the Magistrate's court proceeds to re-hear and re-try the case as if it were a court of the first instance, and may give such judgement or make such order as provided for in Act 38 of 1927. The result of the appeal is conveyed by the Clerk of the Court to the Chief concerned immediately after the appeal has been heard (Lebowa, Department of Justice, Guide on Chief's Courts 1973:8).
7.3 STATUTORY COURTS

7.3.1 MAGISTRATES COURTS

7.3.1.1 COMPOSITION, FUNCTIONS AND PROCEDURE

In addition to indigenous traditional courts, Lebowa has its own Magistrate's courts established in terms of the Lebowa Establishment of Magistrate's Courts Act, 1973 (Lebowa: Act 5 of 1973) in the following districts:

(a) Seshego;
(b) Thabamoopo;
(c) Nebo;
(d) Sekhukhuneland;
(e) Naphuno;
(f) Bolobedu;
(g) Bochum;
(h) Mokerong;
(i) Sekgosese;
(j) Namakgale; and
(k) Mapulaneng.

These Magistrate's courts are administered by the Lebowa Department of Justice. According to the Lebowa Establishment of Magistrate's Courts Act, every Magistrate's Court in the Lebowa political system shall be:
1. a Magistrate's Court for the purpose of the Magistrate's Courts Act, 1944 (Act 32 of 1944) and the Criminal Procedure Act, 1955 (Act 56 of 1955);

2. a Children's Court under the Children's Court Act, 1960 (Act 33 of 1960);

3. a Maintenance Court for the purpose of the Maintenance Act, 1963 (Act 23 of 1963); and

4. empowered in so far as any law confers on a Magistrate's Court any jurisdiction or power in relation to matters in respect of which a Magistrate's Court for the purpose of such law established by or under the Lebowa Establishment of Magistrate's Courts Act, has jurisdiction.

(Lebowa Establishment of Magistrate's Courts Act 5 of 1973, section 3(1))

One of the main differences between the traditional courts and the Magistrate's court is that legal representation is allowed in the latter, while it is not part of the procedure in the traditional courts.

Magistrate's courts can, broadly speaking, try all civil and criminal cases excepting treason, rape and murder, but can only impose limited
punishment. In civil cases, limits to claims for damages are deter-
mined by statute, and in recent times have had to be readjusted
continuously to meet the rate of inflation (Venter 1989:65).

As is the case in the Republic of South Africa, Magistrates in Lebowa
are civil servants appointed by the Minister of Justice. The Mini-
ster may not interfere with the proceedings or judgements of a court.

In Lebowa there are no courts of a higher grading than Magistrate's
courts. The Supreme Courts are administered by the Department of
Justice of the Republic of South Africa outside the borders of Lebowa
(Pheme 1988:209).

The Lebowa Magistrate's courts, like those of the Republic of South
Africa, follow the English adversarial procedure in both civil and
criminal trials. In this process, each of the parties to a dispute
is given the opportunity to present its case to the court by evidence
and argument, and by cross examining witnesses. The court hears and
considers only evidence presented to it, and cannot rule on hearsay
evidence (Venter 1989:68).

In criminal cases, the state has to prove its case against the
accused beyond reasonable doubt. The accused is, therefore, innocent
until proven guilty. In civil cases, the case for the claimant
against the respondent has to be proven on a preponderance of
probability. The presiding officer reaches a decision by applying
what he considers to be the appropriate rule of law to what he has
decided to be the correct version of the facts (De Crespigny & Schrire 1978:34).

An important characteristic of the judicial process is the doctrine of *stare decisis* or precedent. In terms hereof, lower courts are bound by earlier decisions of all superior courts. If a conflict exists between the judgements of superior courts, the Magistrate must follow the judgement of his own Provincial Division. As a result, the Magistrate's courts in Lebowa are bound by the decisions of the Transvaal Provincial Division and the Appellate Division of the Supreme Court of the Republic of South Africa. In general, one Magistrate is not bound by the judgements of another, mainly because the judgements of Magistrate's courts are not reported (Hosten, Edwards, Nathan and Bosman 1977:224-226; Lebowa, The Minister of Justice, Policy and Budget Speech 1990:23).

The right to legal representation is regarded as fundamental in the Magistrate's courts of Lebowa, but the costs are very high as is the case in the Republic of South Africa (De Crespigny & Schrire 1978:35). The judicial oath or affirmation requires every Magistrate to administer justice to all persons alike without fear, favour or prejudice (R.S.A.: Act 32 of 1944, Section 9).
7.3.2 THE SUPREME COURT OF SOUTH AFRICA

7.3.2.1 COMPOSITION, FUNCTIONS AND PROCEDURE

Presently, Lebowa does not have its own Supreme Court. The highest judicial authority in Lebowa is constitutionally vested in the Supreme Court of South Africa, which is hierarchically organised into an Appellate Division in Bloemfontein, six Provincial Divisions (Cape, Eastern Cape, Northern Cape, Natal, Orange Free State, and Transvaal) and three Local Divisions (Durban Coastal, Witwatersrand and South-Eastern Cape) (Venter 1989:64).

The Provincial and Local Divisions of the Supreme Court are all courts of first instance, which means they can try any civil or criminal case, regardless of its magnitude. "The purpose of the Provincial and local Divisions is to ensure that there are supreme courts permanently located in each province and in each of the main population centres of each province" (De Crespigny & Schrire 1978:33). As Lebowa is situated in the province of Transvaal, the jurisdiction of the Transvaal Provincial Division of the Supreme Court also embraces the entire territory of Lebowa.

The Appellate Division consists of a Chief Justice and twelve Justices of Appeal. In appeals, three Judges form a quorum, but the Chief Justice may appoint a larger bench. Each Provincial Division consists of a Judge President and a number of ordinary judges. The
Local Divisions are manned by judges from the respective Provincial Divisions (Venter 1989:64).

The Appellate Division in Bloemfontein only hears appeals, which means that it can only take into consideration evidence which has already been submitted to a lower court. No trial witnesses appear before this court, only advocates who present their arguments on behalf of their clients. The Provincial Divisions can hear appeals from lower courts and specialised courts (Venter 1989:64).

Like the Magistrate's court, the Provincial and Local Divisions of the Supreme Court of South Africa also follow an adversarial procedure. Each of the parties to the dispute is given an opportunity to present its case (by evidence and argument), to test the opposition through cross-examination, and to argue the relevant law. An important characteristic of the judicial process is the doctrine of stare decisis or precedent as was indicated earlier.

The Supreme Court is staffed by judges drawn from the ranks of practising advocates. They are expected to be impartial in all cases (De Crespigny & Schrire 1978:35). The Supreme Court of South Africa presently renders a significant rule-adjudication function to the Lebowa political system. Some of the cases that have been heard by this court are mentioned elsewhere in this study (cf. chapters 3 and 8).
Any party dissatisfied with a judgement of the Magistrate's court in Lebowa, has the right to direct an appeal to the Transvaal Provincial Division of the Supreme Court of the Republic of South Africa. As indicated before, these Superior courts fall outside the jurisdiction and control of the Lebowa Government (Lebowa, Minister of Justice, Budget and Policy Speech, 1990:24).

7.4 CONCLUSION

The composition and functions of the different rule-adjudication structures in Lebowa such as traditional and statutory courts were discussed in this chapter. Family courts were mentioned as the only non-public courts in the sense that outsiders have no access to their sittings. On the other hand, both the Headman's court and the tribal court are public courts.

Since the Magoshi (Chiefs) and some of the Headmen in Lebowa are authorised in terms of an Act of Parliament to hear civil disputes through their tribal or Headman's courts, these courts may be classified as both traditional and statutory courts. The Magistrate's courts are the only statutory courts within the Lebowa political system, apart from the traditional courts which are legally sanctioned. The Supreme Court of South Africa is a statutory court serving the Lebowa political system from outside the territory of Lebowa.
Attention was also given to the judicial process in the Lebowa political system, and the procedures of the traditional courts and the statutory courts were outlined. Legal representation is allowed in the statutory courts, but not in traditional courts.

As was shown, appeal cases from Magistrate's courts in Lebowa are directed to the Transvaal Provincial Division of the Supreme Court of the Republic of South Africa. The Appellate Division in Bloemfontein (in the Republic of South Africa) hears only appeals, which means that it can only take into consideration evidence already submitted to a lower court. The Appellate Division also serves Lebowa.
CHAPTER 8: POLITICAL COMMUNICATION

8.1 INTRODUCTION

The sixth process of the conversion function in Almond and Powell's model is political communication. Referring to the other five processes, the authors justify the inclusion of the communication process as follows (1966:29): "these various activities are communicated both within the political system, and between the political system and its environment...".

The basis of all social interaction is communication. To interact with one another, human beings must be able to communicate. Concerned citizens must be able to communicate their needs and desires to their government and political leaders must be able to communicate to the citizens the reasons for their decisions to provide some basis for public support. Communication occurs in many different forms such as the spoken or written language, music, gestures, facial expressions, and even physical violence. Political communication is the transmission of politically relevant information through one or more of these means (Rush & Althoff 1971:402).

Lucien Pye regards communication as a basis for all political processes. "Of all the basic functions which underlie the political process it is appropriate to single out for special treatment the communications function..." (1965:153). He further states that there "is a peculiarly intimate relationship between the political process
and the communications process. For within the domain of politics the
communication process has a fundamental function" (Pye 1965:153).
Consequently, it is not surprising that some students of politics
feel that the most useful way to understand the basic features of
political activity is to conceptualize that activity as a series of
communicative acts (Welsh 1973:69).

Almond and Powell (1966:165-166), on the other hand, believe that:

Rather than recasting all political thought in communication
terms or only considering communication activity as a factor in
understanding other political functions, it seems most useful for
our purposes to take a middle road. We can attempt to focus on
the most general and significant flows of information in
political systems. The structures performing these communication
activities can be analyzed and compared .... The performance of
the communication function does not include all the other
political functions, but it constitutes instead a necessary
prerequisite for performance of other functions.

The following aspects of communication as a function in the Lebowa
political system will be discussed:

(a) the various types of communication structures; and

(b) the differentiation and autonomy of the media of communica-
tion.
Almond and Powell also mention a third aspect - the implications of communications patterns for the performance of other political functions - but it will not be dealt with.

8.2 TYPES OF COMMUNICATION STRUCTURES

Almond and Powell distinguish five types of structures:

(a) informal face-to-face contacts;

(b) traditional social structures;

(c) political "output" structures;

(d) political "input" structures; and

(e) the mass media.

8.2.1 INFORMAL FACE-TO-FACE CONTACTS

Almond and Powell maintain that the role and importance of informal face-to-face contacts in any political system should not be underestimated. "Modern social science research has emphasized the degree to which informal channels pervade the most developed communications systems" (Almond & Powell 1966: 167). They further state that
certain persons or individuals who, for one reason or another, have a greater interest in following political events, and who communicate information and opinions to friends, neighbours, relatives and co-workers, serve as opinion leaders. On their own, these people interpret the information they receive through the media and other contacts, and they directly shape the knowledge and beliefs of others (Almond & Powell 1966:167).

As mentioned in paragraph 3.3.2 above, personal connections as a means of access to political elites plays an important role in the Lebowa political system. What is more, this type of contact is commonly used by non-associational groups. This section should, therefore, be read in conjunction with paragraphs 3.3.2 and 3.2.3 of chapter 3.

A further illustration of the effectiveness of this communication structure in the Lebowa political system is to be found in the behaviour of the electorate during the general elections held in Lebowa in 1973, 1978, 1983 and 1989. One of the important obstacles to effective political communication was the high rate of adult illiteracy. At the family level, school children and other literate members of the family played an important communication role in shaping the voting attitudes of the illiterate members of the family through informal face to face discussions. Some of the elderly voters could hardly remember the names of the candidates on the election day and had to be helped by their children, relatives, friends or neighbours (author's observations).
This type of personal contact may occur in various situations such as at social gatherings, in taxis or buses, at schools and in work situations inside or outside Lebowa author's observation).

8.2.2 TRADITIONAL SOCIAL STRUCTURES

Traditional social structures play a significant communication role in traditional and developing societies. Tribal leaders and councils, the extended family, and religious leaders can play a powerful role as initiators and transmitters of information for large sections of the nation (Almond & Powell 1966:168).

The role of Chiefs (Magoshi), Headmen and Tribal Authorities is prominent in the Lebowa political process. As mentioned previously, Chiefs (Magoshi) serve in many public institutions in the Lebowa Government such as the Lebowa Legislative Assembly, the Lebowa Regional Authorities, the Lebowa Licencing Boards and various advisory boards attached to the Lebowa government departments (author's observation).

This supports the statement by Almond and Powell that: "The traditional community leaders stand between the national elite and the people, and may hinder or ease the transition to national unity" (1966:168).
The general practice in Lebowa is for most of the Magoshi (Chiefs) to use the services of their Headmen for effective communication between themselves and their subjects. Each Kgoshi organises regular meetings with his Headman and councillors, who are in turn expected to report back to their respective Headman meetings. In this way, the Kgoshi, Headman and councillors have the opportunity to shape the general attitudes of tribesmen on political and social issues (author's observation).

While Magoshi (Chiefs) serve as the leaders of their tribes, some of them also have a seat in the Legislative Assembly which has a controlling function over the whole of the Lebowa government. Serving in these strategic positions, Magoshi play an important communication role between the Lebowa Government and their tribesmen (author's observation).

All Magoshi in Lebowa serve as members of the Regional authorities in their respective districts. The Regional authorities deal with matters pertaining to the allocation of school bursaries, and regional matters. The decisions and directives of these bodies are usually communicated to the rank and file by the Magoshi and Headmen (author's observation).

The family is also an important social communication structure in the Lebowa political system. Of special importance are those members of families who work in metropolitan or urban areas such as Johannesburg and Pretoria, and who visit their families and relatives in Lebowa
regularly. These people are exposed to a totally different political culture from the one encountered in Lebowa, a political culture that is very much the product of a Western value system. As a result of these contacts between family members, these western values are communicated effectively in Lebowa (author's observation).

8.2.3 POLITICAL OUTPUT STRUCTURES

The formal governmental structures such as legislature and bureaucracy in a political system constitute a particularly important channel of information. The bureaucracy in particular, "make it possible for the political leaders to communicate directions for rule implementation to various political officeholders in an efficient and unambiguous fashion. The lifeline of communication holds the entire governmental structure together and makes possible coordinated implementation of laws and the mobilization of societal resources" (Almond & Powell 1966:168).

Those aspects of communication which are related to the bureaucracy as a formal channel of access in the Lebowa political system are discussed in paragraph 3.3.4.4 in chapter 3. The Lebowa Legislative Assembly is addressed in paragraphs 3.2.4 and 3.3.4.3 of the same chapter. The courts and various governmental agencies are the major agencies through which redress of grievances or registration of demands is undertaken (Almond & Powell 1966:169). The Magistrate's Courts and the traditional courts in Lebowa provide examples hereof. Their activities are outlined in chapter 7.
According to Almond and Powell, "Not only is information regarding the formal laws, such as social security regulations, disseminated through special agencies, but news releases from governmental agencies constitute one of the chief information sources for the mass media in most societies" (Almond & Powell 1966:169). In this regard, some of the Lebowa government departments have appointed public relations officers to handle news releases and to act as links between their departments and the mass media and the public. The Department of Education, the Department of the Chief Minister and the Department of Law and Order were the first to do so (Lebowa Government, Yearbook 1990:17; Lebowa Government: Budget and Policy Speech of the Minister of Education 1990:11).

To facilitate the performance of this communication function, some departments in the Lebowa Government have established special branches to address the question of public relations. These branches serve to keep the general public informed of the activities of the Government and its departments.

In Lebowa, the government structures, such as the bureaucracy, provide the public with general information pertaining to formal rules, regulations, decisions, the general policy of the Government on some important issues, and the day to day activities of the Government (author's observation).
Different departments in the Lebowa Government use the weekly Lebowa Government Gazette to publish official information for public consumption. The Government Gazette is produced by the Lebowa Government Printers attached to the Department of Home Affairs (Lebowa Verbatim Report, Lebowa Legislative Assembly volume 23 part 1 1989:134). The Lebowa Government Gazette is, therefore, also an important communication media between the government departments and the general public.

The Verbatim Reports of the Lebowa Legislative Assembly also serve to communicate decisions and the general policy of the Government on various issues to the general public. These Verbatim Reports are also available at some of the public libraries in Lebowa.

The public courts of law also play a significant communication role in the Lebowa political system. In their performance of the rule-adjudication function, different types of rulings and judgements are communicated to the members of the public. In this sense, the Courts as political output structures also contribute to facilitating the communication process in the Lebowa political system (author's observation). Generally speaking, an effective communication link exists between the different political output structures and the general public in Lebowa (author's observation).

However, there is also an internal communication process between the government departments, and between political leaders and their respective subordinates. Departmental meetings, internal circulars,
verbal and written instructions or regulations are used as means of communication (author's observation).

8.2.4 POLITICAL INPUT STRUCTURES

Input structures such as interest groups, trade unions and political parties constitute another significant information channel. These groups are engaged in transmitting popular and special-interest demands to the political decision-makers (Almond & Powell 1966: 169).

The important role played by the Lebowa People's Party in the communication function is discussed in paragraph 3.3.4.2 above while the activities of trade unions in the Lebowa political system are referred to in paragraph 3.2.5.2. The Lebowa People's Party uses its branch meetings, annual congresses, caucus meetings, and executive meetings as a means of communication. Trade unions use mass mobilisation strategies, work stoppages and consumer boycotts as means of communication. The activities of other types of interest groups are also dealt with in chapter 3, and it should, therefore, be read in conjunction with this section.

Since the unbanning of political organisations and the release of prominent political prisoners in South Africa on 2 February 1990, the role of the Lebowa People's Party as a communication link between its members and the Lebowa Government has weakened significantly. People prefer to communicate their political demands through the existing
progressive movements such as trade unions and civic associations which are affiliates or supporters of the African National Congress, Pan Africanist Congress, United Democratic Front, or Azapo (author's personal observation). These progressive movements tend to use protest marches, consumer boycotts, mass mobilisation, stay-aways or strikes as means of communication.

The view stated above is supported by the actions of a newly established union for public servants in Lebowa which emerged as an important channel for disseminating information and communicating political demands to the Lebowa Government. In support of a demand for the recognition of the Northern Transvaal Public Service Workers Union and other grievances, an illegal strike by public servants in all Government departments in Lebowa excepting the Department of Law and Order was successfully staged from 19 September 1990 until the Lebowa Government concluded an agreement with NOTRAPSU, in terms of which the employees returned to work on 11 October 1990.

The Union and its members subsequently demanded payment for duration of the strike, but the Lebowa Government decided to stick to a policy of "no work, no pay" which provoked another illegal strike that commenced on 25 October 1990. The Lebowa Government sought and obtained an urgent interdict from the Supreme Court in terms whereof NOTRAPSU and Cosatu are prevented from promoting further illegal strikes or work stoppages by public servants in Lebowa (Times; 2 November 1990:2).
These incidents serve to demonstrate the importance of the communication role played by Unions. In their endeavours to communicate their demands to the Lebowa Government, NOTRAPSU did not confine themselves to formal meetings, they also promoted strikes, which compelled the Government to resort to the Court for relief.

As indicated earlier, different interest groups use different means to communicate their demands. It has been shown, for example, how anomic interest groups use riots, demonstrations and violence as means of communication. Institutional interest groups such as the Lebowa Legislative Assembly use their resolutions and debates to communicate with higher bodies such as the Government of the Republic of South Africa. Associational interest groups such as the Chamber of Commerce, trade unions, civic associations and student organisations also communicated their demands. The 1974 rallies by student organisations in Lebowa, as discussed in chapter 3, serve to illustrate one of the means of communication used.

8.2.5 THE MASS MEDIA

The concept "mass media" includes newspapers, television, radio, magazines and books, and constitute the last category of communication structures according to Almond and Powell.

They are the most specialized and differentiated of such structures, existing primarily for the purpose of communication rather
than depending upon it in the course of other activities. Given appropriate conditions of technical development and literacy (in the case of the press), the mass media are capable of transmitting information to very large numbers of people at low cost and with minimum distortion.

(Almond & Powell 1966:169-170)

Constitutionally, the Lebowa Government has no authority to make laws relating to the establishment or control of radio and television services. These powers are vested in the Government of the Republic of South Africa (R.S.A.: Black States Constitution Act 21 of 1971, Section 4(e)). Control of television and radio are highly centralized under the South African Broadcasting Corporation.

8.3 THE AUTONOMY OF COMMUNICATION STRUCTURES IN LEBOWA

According to Almond and Powell, "an autonomous structure is one that is free of domination either by political leaders or by particular interests in the society" (Almond & Powell 1966:170). The autonomy of the respective communication structures in Lebowa was discussed in chapter 3 (Interest articulation). The mass media as a channel of communication is discussed in paragraph 3.3.4.1.

English daily newspapers such as the Sowetan, the Star, and the Citizen are popular in Lebowa. The Lebowa Times which is a weekly newspaper is also popular, but it has a severely limited circulation
in Lebowa. As mentioned previously, the mass media serve as an important channel of access to decision makers in the Lebowa political process.

It should be reiterated, however, that interest groups in Lebowa and South Africa attained a greater degree of freedom after the introduction of major reform measures by the State President on 2 February 1990. The lifting of the State of Emergency in 1990 also affected the autonomy of communication structures positively.

8.4 CONCLUSION

It has been shown that communication constitutes a necessary prerequisite for the performance of the other functions. Communication performance can either hinder or enhance the development of other political functions. Important communication structures were briefly outlined and discussed. As previously stated Almond and Powell distinguished five types of communication structures:

(a) informal face-to-face contacts;
(b) traditional social structures;
(c) political "output" structures;
(d) political "input" structures; and
(e) the mass media.
The extent to which all these structures exist in the Lebowa political system was discussed.

Through various examples, it was shown that informal face-to-face contacts play a significant role as a means of access to political decision makers in the Lebowa political process. Although this type of contact is usually used by non-associational interest groups, individual members of the public also consult with political leaders to articulate their personal interests or demands.

Mention was also made of traditional social structures as important communication structures. The role of traditional Chiefs (Magoshi), Headmen and Tribal Authorities was highlighted. The strategic positions occupied by Chiefs (Magoshi) in the government institutions of Lebowa enhance the status of the traditional leaders that stand between the national elite and the people (Almond & Powell 1966:168).

The formal governmental structures such as the bureaucracy and the legislature as formal channels of access were shown to be effective in the Lebowa political process. Some of the Lebowa Government Departments have appointed public relations officers to facilitate this communication process.

The activities of the Lebowa People's Party and other interest groups including trade unions in Lebowa were outlined and discussed. These communication structures also constitute a significant information channel. Various examples were cited.
The mass media as a channel of communication was discussed as well as the role of newspapers, television, and radio. Several factors which impede the effectiveness of the mass media in the Lebowa political process were highlighted.

In conclusion, it is important to keep in mind that communication structures can only function autonomously when they are free of domination by either political leaders or particular interests in the society. "The freedom of the press has long been held to be integral-ly linked to the maintenance of free government" (Almond & Powell 1966:170). Since the introduction of fundamental reforms by the South African State President Mr. F.W. de Klerk on 2 February 1990, interest groups and other communication structures in Lebowa are, to a large degree, free from political control by the government (author's observation).
CHAPTER 9: SUMMARY AND CONCLUSION

9.1 GENERAL OVERVIEW

The purpose of this study was to investigate the political system of Lebowa. The method of the study is, therefore, descriptive and analytic. It was necessary, however, first to outline the historical background to the establishment of the self-governing territory of Lebowa.

The study was introduced by an historical investigation into the origin of Lebowa. To achieve this objective, a short exposition of apartheid as the ideology which provided the framework for the establishment of Lebowa, was provided. It comprises a description of the evolution of the administration of the affairs of Black people in South Africa, including constitutional developments from as early as the days of the migration of White farmers from the Eastern Cape to the interior of Southern Africa.

As a result of this process of penetration into the interior, the White Voortrekkers who left the Cape Colony in and after 1836, founded the independent republics of the Orange Free State, Transvaal and Natal.

Although the government and the opposition parties of the four colonies (Orange River Colony, Cape, Transvaal and Natal) were represented at the National Convention in 1908 - 1909, no Blacks,
Coloureds or Indians were present. Consequently, the restrictive Non-white franchise provisions of the former colonies and Republics were incorporated into the new constitution of the Union of South Africa.

Since the formation of the Union in 1910, various proclamations and Acts on land and Black administration were adopted by the South African Government with the sole purpose of entrenching apartheid - or the separate development ideology as it became known. Some of these legislation's objectives were to create Black "locations" and "reserves" which were geographically demarcated for the exclusive use of Blacks. In addition to the definition of these territorial boundaries, government institutions were also devised to be responsible for the governing and administration of these areas.

The policy of separate development since 1958, however, envisaged the division of South Africa as a state and the creation of self-governing homelands which would ultimately attain full independent status. Lebowa is, therefore, a direct product of this policy of separate development. Lebowa, however, opted to remain a self-governing territory within the borders of the Republic of South Africa.

The method of this study was descriptive and analytic. Interviews, Acts of Parliament, proclamations, and various other sources have been used to formulate and construct a description of the political process in Lebowa. The conversion function of the structural-
The conversion function of the structural-functional model of Almond and Powell was used to analyse the Lebowa political process. The premise on which structural-functional analysis is based is to provide a consistent and integrated theory from which can be derived explanatory hypotheses relevant to all aspects of a given political system.

The conversion function which is internal to the system was used to analyse how the Lebowa political system transform inputs into outputs. This involves the ways in which demands and support in the political system of Lebowa are transformed into authoritative decisions, and are implemented.

Using the sixfold conversion function described by Almond and Powell, research was conducted into how the people of Lebowa articulate their needs and demands (interest articulation); how these demands are sifted and combined to form alternative policy statements (interest aggregation); how these aggregated demands are processed into authoritative rules (rule-making); how these binding rules are applied and enforced (rule-application); how the application and enforcement of rules are adjudicated (rule-adjudication); lastly, research was also conducted to establish how communication takes place in the six processes of the conversion function in Lebowa between members of the
A brief summary of the application of the conversion function to Lebowa will be provided below, with special emphasis on structures, functions and procedures.

9.2 APPLICATION OF THE CONVERSION FUNCTION TO LEBOWA

9.2.1 INTEREST ARTICULATION

The most important interest articulation structures and channels of access, including those factors which influence the articulation function in the Lebowa political process, were researched and discussed.

Self-representation articulation structures are found at different levels of the political system in Lebowa. These are the local authority level, the regional authority level, and the central authority level. The effectiveness of this type of articulation structure was demonstrated through practical examples drawn from Lebowa.

Anomic interest groups and their activities were investigated. To determine the extent to which these anomic groups are active in Lebowa, some of the practical incidents which occurred in Lebowa were
examined. The unrest in Lebowa during 1985-1987, and the student unrest at the University of the North were used as examples. Traditional tribal structures, sorghum beer consumers and village residents were cited as appropriate examples of non-associational interest groups in Lebowa. The influence and role of traditional tribal structures in the Lebowa as non-associational groups is further enhanced by the positions held by traditional leaders in the Lebowa Legislative Assembly.

Mention was also made of the influence and effectiveness of the Lebowa Legislative Assembly as a formal institutional interest group structure. Associational interest groups have proved to be more successful than most other types of interest groups. Several associational interest groups such as Chambers of Commerce and Industry, trade unions, civic associations, and student organisations were discussed.

It was shown by way of various examples that the process of interest articulation in Lebowa is frequently characterised by physical demonstrations and violent means of articulating demands. Personal contacts between members of the public and their representatives in the Lebowa Legislative Assembly and other decision makers play a significant role in interest articulation in Lebowa. Former professional teachers serving in the Lebowa Legislative Assembly were cited as appropriate examples of elite representatives of the teacher's associations in Lebowa. Formal channels of access were also
discussed. Finally, the three environmental factors which influence interest articulation were briefly referred to.

In conclusion, it can be stated that there are sufficient formal and non-formal interest articulation groups operating in Lebowa. Legal impediments such as the internal security laws, and the National State of Emergency regulations, (lifted in June 1990) restrict the free articulation of political demands (as discussed in chapter 3). The release of prominent political prisoners, the introduction of fundamental reforms by the State President, and the unbanning of anti-apartheid organisations in South Africa since February 1990, has, however, encouraged more active participation on the part of interest groups in Lebowa.

This new era is also characterised by a change in the attitudes of people in Lebowa in respect of the popularity and effectiveness of certain interest articulation structures in Lebowa. An example of this tendency is the increased acceptance enjoyed by the civic associations at the expense of traditional structures such as tribal authorities. Town councillors have been forced to resign in favour of civic associations. The interest articulation process in Lebowa should not be seen in isolation from the rest of the Republic of South Africa, and it should be assessed within that context.
9.2.2 INTEREST AGGREGATION

Almond and Powell singled out two aggregation structures as most likely to fulfil this specialised role: the bureaucracy and the political party. Both of these aggregation structures are present in the Lebowa political process although they are not equally effective. Examples were provided to demonstrate that the bureaucracy performs the interest aggregation function at the tribal, regional, and central authority levels in Lebowa.

Government departments were highlighted as important performers of the interest aggregation function in the Lebowa political system.

Although political parties do perform an interest aggregation function in Lebowa, their role is not as significant as that of other institutions. This corresponds with the views of Almond and Powell, and could be ascribed to the fact that, to a large extent, the people of Lebowa understand and still prefer to use their traditional tribal structures for the articulation and aggregation of their political demands. The only political party in Lebowa, the Lebowa People's Party, has failed to make any significant impact as the major interest aggregator for reasons stated in chapter 3 of the study. It can be concluded that the parochial political culture of Lebowa is not conducive to a free and democratic political party system.

Elections in Lebowa were also discussed as a means of aggregation. An examination of some of the election manifestos of candidates in
Lebowa general elections revealed that the aggregation function at the political party level is not properly coordinated. As a result, candidates belonging to the same party engaged in personal attacks against one another.

While the interest aggregation function is performed by many structures as indicated, traditional structures still dominate the scene in the Lebowa. On the other hand, the process and forces of modernisation are fast diminishing the influence and effectiveness of traditional structures in their performance of the interest aggregation function.

9.2.3 RULE-MAKING

The rule-making function in Lebowa is performed at local, regional and central authority level. Three rule-making structures were identified at the local level: tribal authorities, community authorities, and town councils.

Although tribal authorities are based on traditional practices and leadership, their effectiveness and influence is obvious and felt throughout the Lebowa political process. The Kgoshi (Chief) and his tribal council play a significant role in rule-making at the local level of government. Because of traditional and customary practices and procedures adhered to by tribal councils and their respective Magoshi (Chiefs), the rule-making at this level follows a less dynamic approach which seeks to preserve the status quo.
Community authorities are based on more democratic principles than tribal authorities in the sense that members, including the chairman, are elected periodically. Traditionalism plays a minor role in the rule-making process.

While Town councils are also constituted and run democratically without any traditional influence, it has been shown that the rule-making function is performed by the Lebowa Government through the Department of Home Affairs on their behalf. As a result, the role of the Town councils in the rule-making process is rendered almost meaningless. In this sense, the rule-making process flows from the top down. General administration including budgeting and the implementation thereof is done by the Department of Home Affairs.

At the second level of government are the regional authorities which are not democratically elected institutions. Their rule-making function is minimal.

At the highest level the Lebowa Legislative Assembly was discussed as the most important rule-making body within the self-governing territory of Lebowa. The Lebowa Legislative Assembly has limited and conditional rule-making powers in terms of the provisions of the Black Homelands Constitution Act. The South African State President has to assent to all bills passed by this Legislative Assembly of Lebowa before they have the force of law. As described, the ratio of
elected members of the Legislative Assembly as opposed to designated traditional Magoshi is 4:6.

Unlike the rule-making structures at the local and the regional level, the Lebowa Legislative Assembly has statutory standing Rules of Procedure governing the general procedure in the Assembly. These rules are, to a large extent, based on democratic principles and all members of the Legislative Assembly are, consequently treated equally.

The role of the Lebowa Cabinet, the bureaucracy and the South African Central government in the rule-making function was highlighted. It was demonstrated that both the Lebowa Cabinet and the Central Government play a dominant role as rule-makers. From this, it can be concluded that the major rule-making structures in the Lebowa political process are the Lebowa Cabinet, the Lebowa Legislative Assembly, and the Central Government of the Republic of South Africa.

9.2.4 RULE-APPLICATION

Provision is made in the Lebowa constitution for the establishment of numerous rule-application structures in the Lebowa political process. The rule-application functions of the following structures were highlighted: the Lebowa Cabinet, the Lebowa Government Departments, the South African Government Departments, the Lebowa Treasury, the Lebowa Public Service Commission, Lebowa parastatal institutions, and local authorities.
While all these structures play a meaningful role, the ten Government Departments under the respective Lebowa Cabinet Ministers feature are the outstanding rule-application structures in the Lebowa political process.

Merle Fainsod's classification based upon different relationship patterns between bureaucracies and the political agencies was used to analyse the Lebowa bureaucracy. It was concluded that the bureaucracy in Lebowa is partially a representative bureaucracy, but that it manifests certain elements of a ruling bureaucracy. The representativeness of the Lebowa bureaucracy is derived from the extent and nature of the Lebowa Government and the competitiveness of the party system in Lebowa.

White officials seconded from the Government of South Africa play a major role as part of the bureaucracy in Lebowa. They are directly controlled and paid by the South African Government, and even responsible and loyal to that Government. This resembles the cases cited by Fainsod as examples of indirect rule by colonial powers.

It was been observed that there is still room for improvement in the performance of the rule-application function by all the structures mentioned above.
There are two types of rule-adjudication structures in the Lebowa political system:

(a) Traditional courts: family courts, headman's courts and tribal courts (Kgoshi's courts); and

(b) Statutory courts: Magistrate's courts in Lebowa and the Supreme Court of South Africa.

The family court is the only non-public institution amongst the traditional and statutory courts in Lebowa. The Magistrate's courts are the only statutory courts within the physical borders of the Lebowa political system, while the Supreme Court of South Africa is a statutory court serving the Lebowa political system from outside the territory.

There is no uniform general legal procedure governing all traditional courts within the Lebowa political system, but all the Magistrate's courts are governed by a set general legal procedure. Legal representation is allowed in the statutory courts, but not in traditional courts.

Appeal cases from the headman's court are directed to the tribal court, from a tribal court to the Magistrate's Court, then to the Transvaal Provincial Division of the Supreme Court of the Republic of
South Africa. Finally, the Appellate Division in Bloemfontein (in the Republic of South Africa) hears cases on appeal from the different Divisions of the Supreme Court.

9.2.6 POLITICAL COMMUNICATION

Almond and Powell distinguish five types of communication structures: informal face-to-face contacts, traditional social structures, political input structures, political output structures and the mass media.

The effectiveness of each communication structure ought not to be underestimated. In the context of the Lebowa political system it would appear, however, that informal face-to-face contacts and traditional social structures play a significant role as means of access to political decision makers in the Lebowa political process.

The autonomy of the communication structures in Lebowa improved with the intensification of the reform process by the President of South Africa Mr. de Klerk on 2 February 1990. The conversion process of the Lebowa political system may, as a result, function with less disturbances, especially in terms of communication in future.

9.3 EVALUATION OF ALMOND AND POWELL'S MODEL

In his discussion of Almond and Powell, A.M. Faure had the following to say: "Hierdie skrywers se konseptuele raamwerk is sonder twyfel
een van die meer bekende, en ook gekritiseerde, teoretiese bydraes wat in die afgelope paar jaar verskyn het" (Faure 1975:80).

Faure substantiates this point of view by referring to two conflicting statements about the conceptual framework of Almond and Powell. Firstly, he quotes one writer as having said: "The most widely heralded and best known structural-functional paradigm in political science is that one developed by Almond and Powell" (Nettl 1966:319).

He also quotes another writer who proposed that: "Opponents to the systemic approach to politics have homed on Almond and Powell like migratory birds on a lighthouse" (Faure 1975:80-85). These two statements clearly demonstrate the divergent views of different writers about Almond and Powell's conceptual framework or model.

The structural-functional approach adopted by these authors regards the whole political system as the unit of analysis with certain specific functions being identified as essential for the maintenance of the system. The focus is on the interdependence of the constituent structures of the system.

The major shortcoming of the model under review is probably the authors' failure to define, or question the validity or precision of several of the key concepts they use in the model. For example, nowhere do Almond and Powell offer a specific definition of "function". They do not even explain the criteria or yardstick used
in choosing or preferring certain functions above others. Flanigan and Fogelman contend that: "Until precise criteria are established for the identification of functions and a theoretically sophisticated argument is made for a particular set of functions, functionalism as an approach, will be severely limited" (Flanigan & Fogelman 1967: 81).

A further disappointment in the work under review is that, although their "functional categories" were developed to analyse or compare all political systems, that is, western and non-western, modern, transitional, and traditional, it would appear, however, that the functions are highly ethnocentric in their derivation (Bill & Hardgrave 1973:212-213).

Almond and Powell's model also has positive points, however. According to Faure, the model is exceptionally rich in individual concepts and broad conceptual schemes that focus on the process by which political development takes place. A number of examples are given: "rule-making", "political system", "political structure", "political culture" and "communication". "Die meerderheid van hierdie konsepte word op eksplisiete wyse omskryf of gedefinieer alhoewel sommiges in terme van mekaar verreken word wat tot 'n afname in hulle teoretiese gebruikswaarde lei" (Faure 1973:187-188).

These statements serve to confirm that, although there are shortcomings in Almond and Powell's conceptual framework, as has been
indicated, the model is still regarded as an important contribution to the study of comparative politics.

9.4 EVALUATION OF THE APPLICABILITY OF THE CONVERSION PROCESS TO THE POLITICAL SYSTEM OF LEBOWA

The following observations were made in respect of an evaluation of the applicability of the conversion function of Almond and Powell's model within the context of Lebowa: The tacit assumption underlying this study is that Lebowa is part of a developing region with conditions which are not the same as those of a developed country. This assumption has several implications, for instance, that political parties are poorly developed in Lebowa, while the Magoshi are still dominant in their informal structures.

Local authorities (town councils) are also not well established (institutionalised), and their functions are performed mainly by the Department of Home Affairs. The lack of institutionalisation and pluralism in Lebowa reduces the level of applicability to Lebowa of the conversion function of this model. The conversion function of Almond and Powell's model should, therefore, be adjusted to accommodate a situation in which it is often difficult to identify the relevant structures because they are not adequately institutionalised, as is the case with systems which are not based on Western political norms.
In the model of Almond and Powell, structures are particularly important as the implementors of functions (structural-functionalism). The absence of sufficiently formalised structures in Lebowa complicates a discussion of the functions. It proved to be difficult to link functions to specific structures.

It was possible to identify the six processes of the conversion function in Lebowa, including political communication, and to link them to the particular structures responsible for these processes. However, due to the factors mentioned above, it would seem that the categories used to describe the process, did not encompass the entire conversion function of the Lebowa political system. Some of its crucial characteristics, such as those related to the absence of functional specialisation in some instances, were not captured by the conversion function as defined by Almond and Powell.

It is concluded, therefore, that the analysis of the conversion function of the Lebowa political system showed that, while one aspect of Almond and Powell's model has succeeded, to a large extent, in addressing the structural-functional aspects of the system, the model is not perfectly suited to a political system dominated by traditional values and is involved in a transition process away from traditionalism, such as the political system of Lebowa. This conclusion was reached despite the fact that Almond and Powell cite numerous examples of traditional situations in their works.
However, this does not mean that the conversion function of Almond and Powell's model proved to be useless in all respects. On the contrary, the model provides an extremely useful framework which facilitated this study. The conclusions are, therefore, not a reflection on the entire model of Almond and Powell, but refer only to one part thereof, namely the conversion function.

9.5 CONCLUSION

Having analysed the conversion function of the political process in Lebowa, the purpose of this section is to draw general conclusions from all the preceding chapters. The following conclusions are drawn in respect of the Lebowa political system:

The first and important observation made during this study is that the conversion process in the Lebowa political system reflects a merging of African (traditional) and Western practices of political activities. There are, therefore, two different sets of political norms in the same system. This means that the model of Almond and Powell is much more difficult to apply. It seems that the model is better suited for political systems with a homogeneous political culture such as the United States of America.

In addition, there seems to be a tension between these two sets of political norms in Lebowa. The impression gained is that the input functions are still, to a large extent, dominated or determined by
African political norms. The discussions showed that the structures responsible for these functions do not reflect a high degree of pluralism. In other words, there are not many political parties, interest groups and other institutions, which are mostly based on Western political norms, involved in interest articulation or aggregation. The traditional structures, which are poorly institutionalised, are mainly responsible for these functions.

The output functions in Lebowa are, however, mainly the responsibility of structures based on Western political norms, such as Parliament, the Cabinet, the bureaucracy and the judiciary. This illustrates the point made previously that there are two sets of political norms underlying the political system in Lebowa, and that an inherent tension between them is caused by the unevenness of political development in Lebowa.

One indicator of political development underlying this discussion is the degree of institutionalisation of the system. The discussions contained in the various chapters show that, while the output structures are mostly institutionalised in Lebowa, the input structures are not as well established. Another factor contributing to the weakness of the input structures is the prevailing traditional political culture which is not conducive to the effective and active formation and operation of these structures.

The tension between the two sets of political norms mentioned above, is mainly on the input side and was best articulated by the political
activities at the University of the North and in some other parts of Lebowa, especially the Sekhukhuneland district. The demands articulated by students at the University of the North can be interpreted as a demand for democratisation (i.e. institutionalisation and a higher degree of pluralism) on the input side. It would appear that the intention was to enforce the application of Western political norms on the input side, thereby creating a balance with the output side of the political system. In other words, the same political norms would then apply to both input and output functions).

However, given the idea of David Easton, and also that of Almond and Powell, that two of the types of inputs which are important for the maintenance of the system, are demands and support, and given the Lebowa government's insistence on a strong output side, it seems that the input side will remain weak or poorly institutionalised. Therefore, the ostensible contradiction in the Lebowa political system is that the Western-oriented output structures benefit from the underdeveloped nature of the input structures, which are predominantly African-oriented.

Since the inception of Lebowa in 1973, there seems to have been no real effort to modernise or develop the input side of the political system to attain the balance between input and output as outlined above. The political changes since February 1990, however, played a significant role in setting the scene for the transformation of the input structures. Alternatively, it may have signalled the ultimate demise of the Lebowa political system.
The second general aspect to be considered relates to certain conflicting traditional components entrenched in some of the Western-oriented political output structures. The membership of the traditional Chiefs (Magoshi) in the Lebowa Legislative Assembly serves as a good example. In terms of the rules of procedure governing the proceedings in the Lebowa Legislative Assembly, both the traditional leaders and ordinary members of the House are treated equally in the House.

This practice is in conflict with traditional norms and customary practices in Lebowa. Traditionally, a Kgoshi (Chief) is respected and obeyed at all times by all people.

Despite the impartiality and equality insisted upon by the rules of procedure, ordinary members of the Legislative Assembly still feel obliged to respect and honour the traditional Chiefs, even at the expense of democracy. This adversely affects the standard and quality of debates in the House and the output side is weakened.

In conclusion, it seems desirable to highlight the peculiar situation in which Lebowa finds itself. The focus here is on the Lebowa political system, but Lebowa is not a state with a clearly demarcated political system of its own. In the second chapter, it was shown that Lebowa is part of the larger political system of South Africa. Therefore, it is very difficult to discuss the Lebowa political
system without constantly refering to the more encompassing South African political system.

As indicated earlier in this study, Lebowa is a non-independent self-governing territory within the geographical and political borders of the greater Republic of South Africa. In practice, the socio-economic and political aspects of both the Lebowa political system and the South African political system are so intertwined that it is difficult to discuss one without making reference to the other. The problem of demarcating the Lebowa political system was, therefore, not resolved, and the discussion was guided by pragmatic considerations.

The above-stated remarks notwithstanding, a study of the Lebowa political system seems to be imperative. Lebowa is in the midst of political development, due partly to the new political environment in South Africa. The future of the Lebowa political system has not yet been worked out, and it may even disappear as a separate entity. It was, however, important that this study should focus on a part of the system as it functioned until the changes were initiated. It represents an aspect of South African politics which is important but often neglected: the politics of rural areas. It is hoped that this study will contribute towards a better understanding hereof.
9.6 **RELEVANCE OF THIS STUDY FOR FURTHER RESEARCH**

It was assumed for the purposes of this study that Lebowa is presently involved in a process of political development. This phenomenon was not discussed as such in this study, and the emphasis was rather on a specific political dynamical aspect, situated in the context of development. Utilisation of the conversion function of Almond and Powell's model as a tool for analysing the Lebowa political system, prompts the question whether Political Science as a discipline is well-equipped to study the political process in developing countries?

The discipline is relatively well suited to study the phenomenon of political development. It often focuses on strategies for development (such as modernisation theories) or explanations of underdevelopment (dependency theories). These theories do not, however, address the prevailing political dynamics and political structures of the particular developing states, irrespective of the stage of their development, to understand the politics of such a country or region on a micro and macro level.

The challenge is, therefore, to move beyond merely studying political development, by focusing on indicators such as structural differentiation or functional specialisation, and to embark on political analyses which are premised on different political values. The emphasis should be on understanding the politics of a primarily traditional society, notwithstanding of the fact that it is undergoing develop-
ment. This aspect of Political Science, and its interface with development, seems to need more attention.
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STATUTES

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R.S.A.: Free State Ordinance, 5 of 1876.
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PROCLAMATIONS AND NOTICES


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