



OWN YOUR FUTURE
BESIT JOU TOEKOMS

THE ROAD TO INDEPENDENCE

(PART V)

GOVERNANCE: FROM CANTON TO HEAD OF STATE.

EXTRACTS

From the Road to Independence, Part 1:

"The model of governance will consist of a very small and lean central government component which is made up of representatives of all the parts of the state. The smaller units of government would be Cantons, similar to Switzerland, with the Cantons of each of the six areas of the Western Cape forming a District government for each of the six areas. It is rather pointless to change something that worked in the past and therefore we recommend reinstating the system of districts and municipalities".

" The central government will decide over issues like international trade, international relations, currency, defence and any other function that may be outside the capabilities of the Districts. Each District will function based on whatever could be done to govern at a level closer to the people.

The Districts proposed are:

- Cape Winelands
- Central Karoo
- City of Cape Town
- Garden Route
- Overberg
- West Coast"

Equal to the Swiss system of governance the Districts will consist of smaller units called Cantons (municipalities), said municipalities to be demarcated as they were before the megacity structure was adopted.

Each District will decide on the following:

1. Its capital city or town.
2. The official languages.
3. Its flag.
4. Its symbol of governance.

The central government will adopt a state flag and its official languages, as well as an anthem and the currency of trade.

PRINCIPLE OF SUBSIDIARITY

Powers are allocated to the Cantons, District governments and Central government by the principle of subsidiarity.

The District governments, and similarly the Central government, only undertake tasks that the Cantons or District governments are unable to perform or which require uniform regulation by the higher of authorities.

Under the principle of subsidiarity, nothing that can be done at a lower political level should be done at a higher level. If, for example, a Canton is unable to deal with a certain task, the next higher political entity, i.e. the District government, must provide support.

CANTONS

A Canton will be the smallest unit of governance post-independence. As referred to above, a Canton can be compared to the municipal areas we had before the Mega City monstrosity reared its dysfunctional head. Although the Swiss system breaks it down further to the level of Communes, we suggest that a Canton can function sufficiently close to the people to be the direct contact on "street level" and to be truly representative of the people in the Canton, as well as having to be fully transparent and accountable to the people.

More often than not we hear people complaining that a councillor under the current system simply ignores their plight and questions or simply pays lip service to problem-solving. It's far too easy to hide behind the facade of their party. Shockingly hundreds of councillors don't even live in the area that they represent, hence even a bigger concern as to the disconnect this causes from the people.

Another commonly voiced issue is the fact that the people don't get who they vote for. This is the result of the political parties putting forward their members and the people are left having to vote for the lesser of two or more evils. There may be a brilliant and hardworking activist in the Canton area, someone totally in touch with the people and their challenges, but if this person is not part of a political party, he or she must currently either stand as an independent or join a party and hope to be placed on the candidate's list. What we find is that such individuals are almost to the last person someone who got so disillusioned with politics that they decided to help their communities as activists.

Who better to elect to serve in your Canton government?

CANTONAL PARLIAMENT: ROLE & COMPOSITION

As at the District government level, the canton also maintains a separation of powers between the legislature, executive and judiciary. The cantonal parliament is the cantonal legislature.

At the canton level, the following will be some examples of what the Canton will manage and look after:

- A register of residents
- A civil defence unit
- Schools and Welfare provision
- Energy supplies
- Roads
- Local planning
- Local services e.g. Fire & Rescue, Traffic, Law Enforcement

- Local property taxes, etc.

COMPOSITION OF THE CANTONAL PARLIAMENT

The number of members of parliament will be determined by the overseeing District government, usually being proportional to the population of the Canton.

All members of the Cantonal parliament must be resident within the geographical area of the Canton.

Members of parliament will be allowed to hold down other jobs outside their parliamentary duties providing such a job does not impact on the member's functions as a parliamentarian. In such an event remuneration will be agreed to on a pro rata basis.

The portfolios in the Cantonal government will be representative of the various required departments of oversight e.g. Water, Sanitation, Town Planning, Traffic, Business Development, Tourism, etc.

TASKS OF THE CANTONAL PARLIAMENT

The cantonal parliament's main task is to adopt, reject or amend cantonal legislation, and to decide on initiatives and petitions submitted by citizens, or members of parliament.

It also has the task of adopting the cantonal budget, which is presented by the cantonal government, and authorising the levying of duties and taxes. The adoption of the Total Economic Activity Levy (TEAL) will be a function of the Central government and any taxes deemed superfluous at its adoption may not be instituted by any Canton or District government.

Last but not least, the cantonal parliament supervises the activity of the cantonal government.

REGULAR MEETINGS OPEN TO THE PUBLIC

Council members hold regular, scheduled meetings, usually once a month. These meetings and their minutes are generally public.

In addition, the members of parliament set up ad hoc committees (transport committee, finance committee, etc.) to analyse issues and prepare items of business for plenary debate in parliament or submission to the cantonal government.

PRESIDENT OF THE CANTONAL PARLIAMENT

Parliament **annually** elects one of its members to be president. The president's duties include chairing the meetings of parliament.

A president may not be re-elected for more than three consecutive terms.

CANTONAL GOVERNMENT: ROLE & COMPOSITION

The representative executive at the cantonal level is the cantonal government.

COMPOSITION OF THE CANTONAL GOVERNMENT

There are between five and seven members in each cantonal government, however, this number may be increased in the event of high population numbers in the cantonal jurisdiction.

CANTONAL DEPARTMENTS

Each council member usually runs a department (such as the Department of Finance, Department of Health, Department of Education, etc.).

TASKS OF THE CANTONAL GOVERNMENT

The cantonal government's main task is to manage cantonal affairs. It plans and implements cantonal projects and activities while coordinating these with the activities of the District government.

It is also responsible for implementing cantonal, district and central legislation and runs the cantonal administration by exercising the powers it is assigned by the Cantonal parliament.

The cantonal government is also responsible for preparing and managing the canton's budget.

REGULAR MEETINGS & COLLEGIATE DECISIONS

The members of the cantonal government hold regular scheduled meetings, usually behind closed doors. During these meetings, they reach decisions as a collegial body on the administration of the canton. All members of the cantonal government must defend the position of the collegial body, regardless of their personal opinion.

The minutes of such meetings shall be made available to the public and should any issue be of public interest, an opportunity must be given for the representatives of the people to address the cantonal government on such issues.

With enough public support for any particular issue, the public may request a public meeting with the cantonal government at any date.

PRESIDENT OF THE CANTONAL GOVERNMENT

The people of the Canton will put forth proposals for representatives in the cantonal government. A public election will take place where the allowed number of members in the Cantonal government as it has been decided on, will be appointed based on most votes received.

The members of the Cantonal government will elect a president to serve a term of no longer than one year. The president does not enjoy any special privileges or status, apart from chairing cantonal government meetings.

CANTONAL CONSTITUTIONS & ADMINISTRATION

The Cantons as members of the District governments are free to organize themselves as long as they do respect each other, the District constitution, laws and the rights of all minorities. All Cantons will have their constitutions, and their governments (usually five to seven members elected by the population) and most of them will have cantonal parliaments.

As some Cantons will comprise of larger and more densely populated areas, it stands to reason that within such Cantons the administration and governance roles will be far more demanding thus requiring full-time attention to the roles of any member. In the smaller Cantons members may take part-time jobs as referred to earlier.

Direct Democracy will be applied on cantonal grounds and give even more participation rights to the population than on the District or national level. For example District and national budgets will not be subject to referendums, but Cantonal and communal budgets will be subject to mandatory referendums.

Since many fields of what used to be national state activity will be left to the cantons, some standardisation may be required where increased mobility may find some of the population working in one canton and dwelling in another canton. The cantonal governments must meet to negotiate multi-cantonal agreements. Although this system may appear to be rather strange and complicated it does work astonishingly well where it is applied.

DIRECT DEMOCRACY: REFERENDUMS & INITIATIVES

While it may be readily accepted (or at least hoped) that even in autocratic governments there will be a separation of powers (government, parliament, courts) as a function of democracy, referendums are rare in most countries. It is clear in the case of Switzerland, with its long tradition of Direct Democracy, that frequent referendums do have a stabilizing influence on parliament and government.

In such a Direct Democracy:

- Frequent referendums may be held on new or changed laws, budgets etc, some of them mandatory and others optional (only if an agreed number of citizens demand it)
- Ordinary citizens may propose changes to the constitution ("initiative") if they can find several supporters (an agreed to number of citizens). Parliament will discuss it, and probably propose an alternative and afterwards all citizens may decide in a referendum whether to accept the initiative, the alternate proposal or stay without change
- referendums will increase parties' willingness to compromise (otherwise a defeated party will call for a referendum)
- referendums favour big coalitions (shared power motivates compromise, exclusion from power motivates obstructive referendums)
- referendums increase stability (as extreme laws will be blocked by referendum, parties are less inclined to radical changes in lawmaking and voters are less inclined to call for fundamental changes in elections).

CENTRAL (NATIONAL) GOVERNMENT: ROLE & FUNCTION

A Direct Democracy aims to have the central government as lean as it can be with all possible control functions placed in the hands of the District government and in turn with most of that handed over to the Cantonal governments.

The central government will decide on issues like international trade, international relations, currency, national defence and any other function that may be outside the capabilities of the Districts and Cantons.

The two levels of governance above the Cantonal parliament will be the District government and the Central government. It may very well be named the Council of Cantons and the National Council.

COUNCIL OF CANTONS

The Council of Cantons represents the cantons. The larger cantons will elect and send two members, and smaller cantons one member to serve and represent the cantons on the District government level in the Council of Cantons. The rules on how to elect the members are made under cantonal legislation, so they may differ from canton to canton. The cantons will elect their members to the Council of Cantons every four years on the same day as the members of the National Council.

NATIONAL COUNCIL

The new national constitution of the independent Western Cape will determine the number of members to be taken up in the National Council. These members are elected every four years according to a refined proportional election system, but since every canton will form a constituency and cantons have extremely different numbers of inhabitants, a few smaller cantons may send fewer members to the National Council.

Both the National Council and the Council of Cantons will discuss new laws separately.

Both Councils will form several commissions - some to control the work of the administration, some to debate new laws in depth. Specialists in fields like health, military and many more are elected to serve on these commissions.

COMPOSITION OF THE CENTRAL GOVERNMENT (NATIONAL COUNCIL)

Head of State	President
Supportive	Deputy President
Ministries	Foreign Affairs
& Deputies	Domestic Governance
	International Trade Relations
	Currency & Fiscal
	National Defence including Policing
	Maritime Control, including Defence and Fisheries
	Natural Resources & Management
	Energy Technology
	Constitutional and Administrative Oversight
	Judiciary & Correctional Services

The members of the National Council are elected by the people every four years. Members may be re-elected for no more than three consecutive terms.

All nominated individuals for a position on the National Council must make their CVs available for public scrutiny before accepting a nomination.

HEAD OF STATE

Unlike a political party-orientated democracy, where presidential candidates or preferences are nominated by the party, a direct democracy must allow for a far bigger input from the people. This may start at the cantonal level where the people may put forth nominations to their Cantonal gov-

ernment as to their choice for the national president. The Cantonal government will then do a presentation to the people on all nominated candidates with a full accounting of experience, vision, etc. Should more than one nomination be received from a canton, a local referendum must be held to determine a single nominee to be elected and be forwarded to the District government.

The District government will receive the single nominations from each of the Cantons and do a due diligence check on all the nominees. A summary of each candidate with experience, etc. must be made available to the people. A District referendum will then be held with voting for the list of nominees as approved by the District government after their due diligence.

The six nominees from the six districts who are then elected as presidential candidates will stand in a national election for the Head of State. This will make it possible that the best person for the position will be elected rather than an individual gaining the position due to political party affiliation.

The election process for the National Council members and the president may be one event.

A new president will be elected every four years with no single president being in office for more than two consecutive terms.

Using a topic-related referendum, with a prescribed minimum of votes needed, the people may recall any president or member of the National Council or the Council of Cantons, who fails to deliver on the mandate entrusted to them by the people.

