

**CONSIDERATIONS ON THE
DESIGN OF FEDERATIONS: THE
SOUTH AFRICAN CONSTITUTION**

December 1993, and provided the framework for the first democratic elections which were held on 27 April 1994. The complex compro-

set of rolling texts with at least four successive iterations, each narrowing the areas of dis-

mechanisms and processes of intergovernmental relations, fiscal arrangements, and so on. In

stitutional Principles," that "Government shall
be structured at national provincial and local

Assembly's handiwork.. But I do not wish to
assert that formal institutional arrangements

levels" (XVII) that constitutional amend-

are the only, or even the most important

ties (increasing the need for intergovernmental relations); or does the need to minimize these

sition to any form of "special status," and to increased decentralization. His alternative was

4. The demand for more autonomy to Quebec and Australia have also been sources of ideas.

added in 1949. This is not to say that there

justify devolution. Canadian commentators

these flows are now rapidly declining. There

status, no decision-making powers, no formal

systems which negotiate and bargain with

levels. "The resulting institutions and horizon

national/local distinction within policy areas in

living conditions in the federal territory." Only

less in the form of a ...

... a sophisticated network of inter-

[REDACTED]

cluding a list of broad concurrent powers spelled out in Schedule Four. (S. 44(1)) Unlike

These limited provincial powers – and the
subject-matter of the “exclusive” powers to

government, as set out in national legislation. (S. 214) The distribution of funds is to take into account both the "national interest" and the needs and interests of the national government is to be "determined by objective crite-

on the point, though it does envision both sorts of grants.

There is also an important cooperative element in allocating revenues: it can only be

ever, it is clear that South Africa envisions a dense network of linkages between levels of government as part of the model of economic

the IGF and MINMECS have been criticized for lack of interest and participation by national ministers, failure convincingly to consult

This then, would have been a fairly strong previous Senate, there is at least the possibility

of systems in which subject to relatively

In this, as in other areas of the new constitu-

~~THE~~ ~~CONSTITUTIONAL~~ ~~DESIGN~~ ~~OF~~ ~~FEDERATIONS~~ ~~AND~~ ~~THE~~ ~~ROLE~~ ~~OF~~ ~~THE~~ ~~COURTS~~

... and mobilizing our

time has done" Canadians frustrated by our

22/06/ 6 September 1006: the Amended Text

Steven Friedman "The Shape of the

Economic Union. Toronto: University of Toronto Press. 1986.

21. "Constitutional Government and the two faces of Ethnicity: Federalism is Not

1995; Richard Simeon, "Rethinking Government, Rethinking Federalism," Institute of Public Administration of Canada,

constitutional or legislative obligation. Here the centre may issue directives, or even assume direct responsibility, though

Intergovernmental Relations Association

43. The exceptions are KwaZulu Natal, and
the National Party

