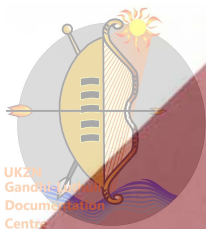


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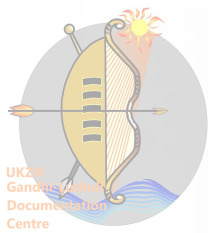


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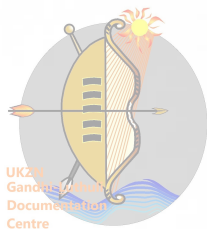
# POWER. SHARING.

HOW THE INDABA  
ACHIEVES IT



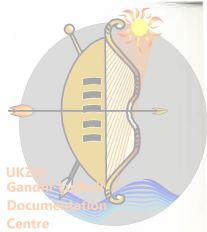
Power-sharing is a political formula by which no single political or race group is able to dominate, whether it is a majority or a minority. Instead, the majority and minorities work and govern TOGETHER for the common good, not in competition. The formula is uniquely suited to Africa and to conditions in KwaZulu/Natal with its diversity of cultural and other interest groups. It is a system in which everybody works together – there are no losers.

Power-sharing is achieved not by any single constitutional mechanism but by a system of interlocking checks and balances which make it impossible for any group to rule on its own. These power-sharing mechanisms are constitutionally entrenched and cannot be changed without the consent of all concerned.

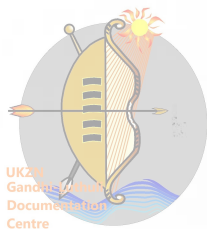


## THE INDABA HAS NO LESS THAN EIGHT POWER-SHARING MECHANISMS.

- 1. Proportional representation.** This principle is applied throughout the constitution. Whether in deciding the membership of the two chambers or the Legislature or the composition of the Cabinet and Standing Committees, it means that minorities are fairly represented, in proportion to their numerical strength.
- 2. Composition of the First Chamber.** Proportional representation means that each party has seats in direct proportion to the votes cast in its favour. There can be no unfair delimitations or loading of constituencies.
- 3. Composition of the Second Chamber.** The region's four major "background" groups are equally represented, together with a fifth "South African" group for people who prefer not to be categorised. This form of representation will result in minorities controlling the Second Chamber. Voting within each background group is also by proportional representation, which means that even small groupings have the opportunity of representation.

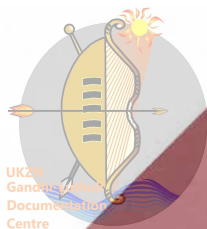


4. **Passage of legislation.** Laws have to be passed by BOTH chambers – the majority-controlled First Chamber and the minority-controlled Second Chamber.
  
5. **Standing Committees.** Before any law can be debated by the two chambers of the Legislature, it has to be passed by a Standing Committee (there will be one for every portfolio of provincial government). Standing Committees have 15 members, 10 from the First Chamber and five from the Second (elected by proportional representation). Any law requires a MORE-THAN-TWO-THIRDS majority (11 out of 15) in a Standing Committee. NO party is allowed more than 60 per cent membership of any Standing Committee. This means that the support of minority interests will be necessary before any new law can even be debated in either chamber. All background groups from the Second Chamber will be represented on all Standing Committees. In addition, all political parties represented in either chamber will be entitled to representation on every Standing Committee. Thus **all** background groups and political parties participate in the decision-making process.



6. **The minority veto.** Any law affecting the language, cultural, religious or other rights of any background group has to be agreed to by a majority of that particular group in the Second Chamber. This means that five members of that group voting against the law have an EFFECTIVE VETO which can prevent it from being approved.
7. **Amendment of the Constitution.** The Constitution cannot be amended by the majority party. Amendments have to be passed by two-thirds majorities of the First Chamber and the Second Chamber. This means that minority and background groups could present changes to the Constitution. In addition, if the amendment of the Constitution affects the specific rights of any background group, it would have to be agreed to by a majority of that group (6 out of 10). Again, five members of that group have an EFFECTIVE VETO.
8. **Composition of Cabinet.** The Prime Minister (leader of the majority in the First Chamber) appoints half the Cabinet. The other half is appointed (by proportional representation) by the minority parties in both chambers. Every background group is entitled to at least one Cabinet post. All ministers will be part of the decision-making process in the Cabinet and will head Government departments. The Cabinet will operate on a consensus-seeking basis.





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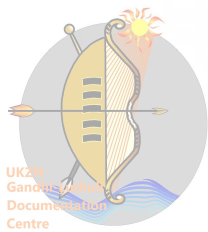
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KwaZulu Natal

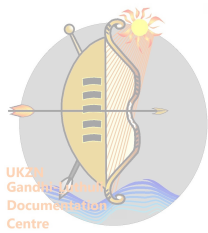


**Indaba**



## IN ADDITION TO THE EIGHT MAIN MECHANISMS, POWER-SHARING IS REINFORCED BY:

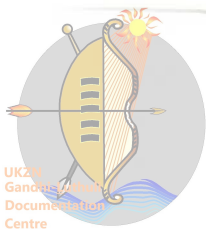
- **Cultural Councils** (including a Council of Chiefs). These will represent the cultural interest of the various segments of the population and are entitled to view all draft legislation (new laws not yet enacted). They have the right to give evidence before any Standing Committee, to demand information from government and to apply to the Supreme Court to have any Bill set aside before it becomes law.
- **The Bill of Rights** defines and protects the rights of every individual irrespective of race, colour, language, sex, etc. The Bill of Rights is interpreted and enforced by the Supreme Court.
- **The Economic Advisory Council.** This ensures that the Government is responsive to the views and advice of knowledgeable business and labour leaders on whose expertise the economy depends.
- **The Education Council.** This will be composed of representatives of teachers, parents and others involved in education. It is designed to ensure that the Provincial Government is responsive to the education needs of communities and the Province as a whole.



The effect of these interlocking power-sharing mechanisms is that any government of KwaZulu/Natal would have to rule by CONSENSUS. Any attempt by any group or party to impose its will would immediately be checked. The only way to govern would be with the consent and participation of all affected.

The Supreme Court operates independently of Government and ensures that the Provincial Government observes the power-sharing and other provisions of the Constitution.



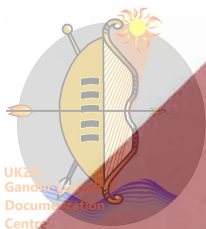


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