

The State President's National Council Bill



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On May 22 this year the Minister of Constitutional Development and Planning, Mr Chris Heunis announced the intention of Parliament to negotiate the establishment of an 'interim national council' to 'further a climate in which . . . peaceful negotiations . . . to realise a democratic dispensation . . . to a new constitutional dispensation of all South Africans' could take place. As JOYCE HARRIS says in this article, it is at face value the breath of sanity we so badly need. But it has been rejected by the black community. Mrs Harris describes the circumstances and states some of the objections that counter its reception.

How badly we need the infusion of a breath of sanity in this madhouse in which we all are presently living, the real extent of which we do not know because the state of emergency precludes us from knowing. Rumours multiply, and there are almost as many truths as there are points of view. Communication has broken down between all the different facets of our society as a result not only of actual censorship but because of the government's longstanding and successful policy of divide and rule.

No-one really knows what others are thinking and those who, through their personal contacts, know what some are thinking are inclined to mistake that for the whole truth. Broad statements of 'fact' are made, together with often non-applicable generalisations arising from those 'facts'. As in most societies the views of the silent majority are usually lost in the loud articulations of radicals or reactionaries or both, and people get swept along by the particular current in which they happen to find themselves, maybe against their will.

Added to this mayhem of political confusion we have economic depression, unemployment and poverty and the totally incredible picture of our Minister of Foreign Affairs cocking a snout at the rest of the world and actually calling for the immediate application of sanctions, so that South Africa can show the world what it is made of. It would be comical if it were not so tragic.

The President's proposed Statutory Council, on face value, might have been thought to be that breath of sanity we so badly need. After all it is to consist not only of members of the Government but also of the chief ministers of the self-governing territories, nominees of organisations, institutions and interest groups, the chairman of each Ministers' Council and other persons who, in the opinion of the State President, are able to make a substantial contribution to furthering the functions of the Council.

The objectives of the Council are to offer participation in the planning and preparation of a constitutional dispensation which provides for participation of all South African citizens in the processes of government; grant to black South African citizens on an interim basis a

voice in the processes of government which affect their interests; further sound relations among, and the human dignity, rights and freedoms of, all South African citizens.' Thus is it said in the National Council Bill, obviously in the belief that 'Black South African citizens' will know who they are.

Any dispassionate observer could be forgiven for concluding that here, at last, provision was being made for the beginnings of negotiation between all the different segments of our society in order to arrive at an acceptable constitution and the solution of the country's problems by peaceful means. True, there are gaps in representation on the Council. True, it is under the chairmanship of the State President. True, ten or more members will be his nominees. Nevertheless the intentions of the Bill would appear to provide for participation by black people in future planning, and those who do not believe in the all-or-none ethic of revolution should be prepared to go along with piecemeal change through negotiation.

But, unfortunately for its intentions, the Bill has not appeared in a vacuum but within the circumstances described above, aggravated by the fact that the government has already decided unilaterally about the future dispensation in the form of the tricameral Parliament; that it is continuing to spread its tentacles into lower levels of government and the furthest reaches of the community on the basis of this flawed constitution, despite objections from many quarters; and that it has made its attitude towards the opinions of coloured and Indian people abundantly clear by the manner in which it forced through parliament the passage of the Public Safety and Internal Security Amendments Bills. Under such conditions its bona fides are very much in question.

It is hardly surprising, therefore, that its advances through its proposed National Council have been rebuffed by all sections of the black community, from the so-called moderate to the so-called radical. Chief Buthelezi has laid down conditions for participation — the release of Mr Nelson Mandela, a massive mandate for participation from black people, and that the Council should have real power and not be simply a talking shop.

Mr Sam Motsuenyane of NAFCOC has said that his organisation cannot participate until black people are part of Government. Other organisations have categorically rejected the Council and would certainly require minimal preconditions to be met such as the release of Mandela and other political prisoners, the unbanning of banned organisations, the release of detainees, and generally the creation of a climate of trust in which negotiation becomes a possibility, before possibly agreeing to participate. The Government has a very long road to travel before this is achieved, and the longer it takes and the more grudging it is the less likely a negotiated settlement and the more probable violent confrontation.

It is distressing when people refuse to talk to other people, and when unchangeable stances are adopted and built into formulae which provide a pat response irrespective of the particular circumstances. Such attitudes obviate the necessity for thought and become fixed, which is unhelpful. The only hope for this country is open and free negotiation between recognised leaders operating from a position of equality and with no non-negotiables. This can never be achieved without compromise, and fixed attitudes are not conducive to this.

However the National Council, yet another brainchild of the National Party Government and falling within its own parameters, does not provide these conditions.

Writing in *Weekly Mail* (July 4) Mark Swilling had this to say in discussing reform: 'The truth of the matter is there is a formidable logic behind the reforms. In general it is what political scientists call a revolution from above: a process of substantial social change that creates new patterns of legitimation and political authority without dismantling existing hierarchies of power.'

If this interpretation is valid, and I believe it is, there is no room in it for a National Council except in terms of creating 'new patterns of legitimation and political authority without dismantling existing hierarchies of power.' This is not what is needed now.

The government will have to do a great deal to alter its image and establish its bona fides before such a Council could succeed. This it is unlikely to do, which is a very great pity, as the alternatives to negotiation are not only 'too ghastly to contemplate' but are already happening.