

POWER-SHARING

How it could work

"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) 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."

KwaZulu/Natal Indaba information pamphlet.

In its efforts to inform the public about the proposals, the KwaZulu/Natal Indaba is producing literature aimed at explaining how its power-sharing mechanisms would work.

For comprehensive information it is suggested all those interested write to the KwaZulu/Natal Indaba at P O Box 2925, Durban 4000, South Africa.

The constitutional proposals, which have been accepted in principle by the 1.5 million-strong Inkatha national liberation movement (see story following), have no less than eight power-sharing mechanisms.

These power-sharing mechanisms are listed as follows:

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.

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 proposed effect of those 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.

Inkatha backs Indaba proposals in principle

The 15 000 Inkatha delegates and members (representing 1 544 609 paid-up members) who attended the annual general conference of the national liberation movement held at Ulundi in July, unanimously accepted a resolution to support the KwaZulu/Natal Indaba proposals in principle.

The conference praised the services which the Secretary-General, Dr Oscar

Dhlomo, and the National Chairman, Dr Frank Mdlalose (who participated in the Indaba deliberations) had rendered to the politics of negotiation.

The Conference pledged its

support for every effort to be made to make the proposals "household knowledge in every town, village and hamlet in the KwaZulu/Natal region . . ."

The resolution, as passed, resolved:

- (1) *To record our acceptance of the Indaba proposals in principle.*
- (2) *To instruct the Secretary-General to set up regional mechanisms through which the Indaba proposals could be got to every Inkatha*