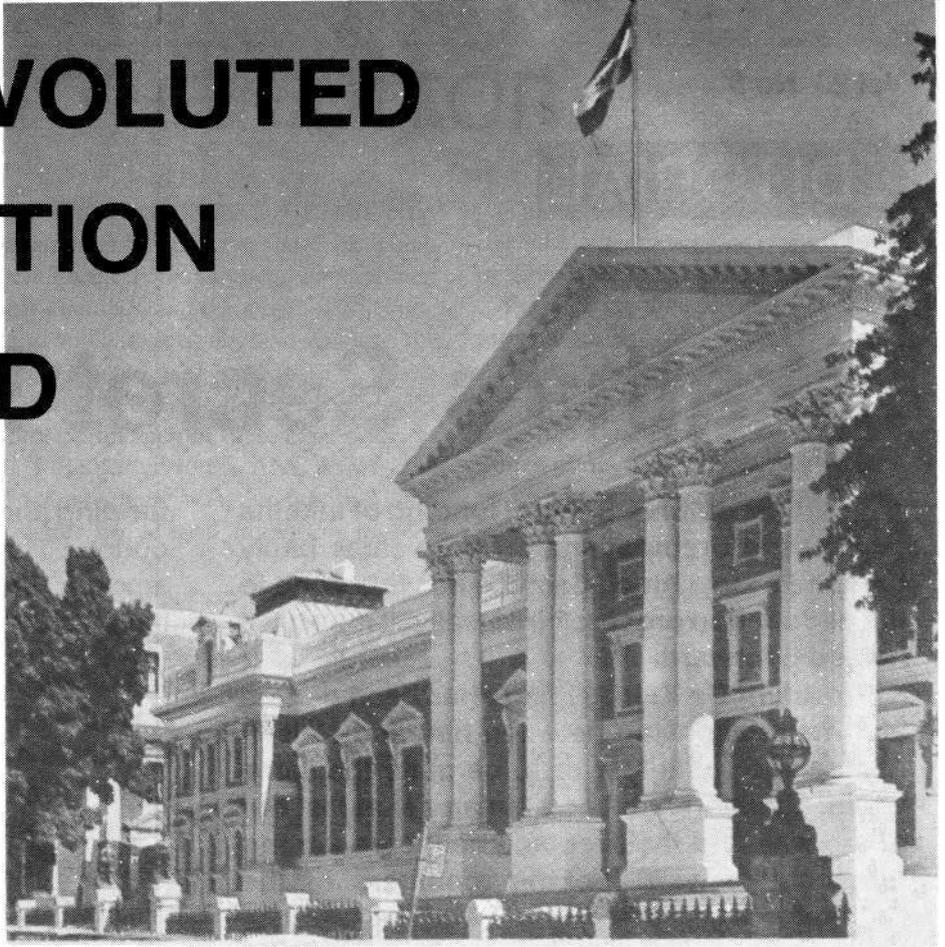


FW'S CONVOLUTED CONSTITUTION IS DOOMED

by
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IN GREEK mythology, two men were locked up in the Labyrinth on the island of Crete. They had angered the king, Minos. The one was Daedalus, the other Icarus — his son.

They escaped by means of wings they had made. Icarus flew too close to the sun, the wax melted and he died in the sea. Daedalus was more prudent and lived to celebrate the smothering of King Minos in his bath.

Is President De Klerk's new outline of a constitution going to fly? Like Daedalus. Or will it crash into the sea? Like Icarus.

Surely this convoluted ding is doomed to crash, if it flies at all.

It is likely to join the bits and pieces of the scrapheap of South African history — together with the wrecks tossed there by government and opposition down the years: Bantustans, Graaff Senate plan, total strategy, tricameral parliament, race federation, white leadership with justice, separate development, et al.

Cossets the more privileged

The De Klerk scheme has only two immediate merits over predecessor P.W. Botha's tricameral efforts. It is more just and less complicated — but far from what the nation needs.

Apart from the two houses of

Parliament, there are about three to five presidents cloned together in a college called the Presidency, a Babel of differing cabinet members, nine powerful regional governments and any number of local authorities in which ratepayers could have preferential voting.

It might just be termed power-sharing. It is not majority rule. It cossets the more privileged, at the expense of the unprivileged. Although it edges South Africa marginally closer to constitutional justice after the Dark Ages of Nationalist rule, it looks very much like a device to perpetuate the National Party in power — in practice, if not in theory. It looks uncannily like a system of loser keeps all.

Professor Sampie Terblanche put it this way when he wrote in the Cape Times after the unveiling of the plan: "Unfortunately the NP has still to learn the hard lesson that democracy is about winning and losing." He notes that the NP cannot contemplate becoming the opposition in a new constitutional system.

What can be said for the scheme is that at least, and at last, there is one Parliament for all races; and — except for local levels where the "gentry" is favoured — there is acceptance of one person, one vote; and there is the sensible system of proportional representation in the "First House".

Another extenuating factor is that this

is simply an opening gambit, what President De Klerk calls "by no means a final constitution", thank God.

A party that has dominated South Africa for 43 years, monopolizing power in its own exclusive hands, now proclaims with a casualness which is breathtaking: "Political power shall not be vested solely in the hands of any single individual, political party or group. We, therefore, proclaim our opposition to domination of any kind. We favour a system which includes rather than excludes parties and groups."

It is the most favourable scheme the NP could hope and pray for — and therefore it's not to be taken too seriously. In the negotiation process, there is little hope that it will prevail.

One can only hope that this is appreciated by the NP leadership, and that they have understandings with the ANC and other major players which will find them reaching agreement on more realistic plans.

Praise-singers too generous

Strangely, the scheme has received some favourable comment from international quarters such as the (London) Times, and even qualified approval from respected people like Mrs Helen Suzman



When one considers the daring and ingenuity of steps taken last year, his constitutional outline is timid — almost a joke.

(though criticism from a conservative paper like the Daily Telegraph.)

I think the praise-singers are being over-generous to Mr De Klerk.

The South African government is mesmerized by Switzerland and its cantons. But we do not live in Switzerland, a rather unusual country which in many respects is not comparable. We live in Africa, and we are emerging from the ravages of apartheid. A considerable degree of central government power is necessary to tackle the job of reconstruction — but with effective checks on executive abuse.

Dangers of power over-devolution

It is inconceivable that a new government would allow itself to be tied down by constitutional arrangements telling it whom to put in the cabinet and giving provincial “governments” enormous power to sabotage the effort of national reconciliation and reconstruction.

A glance at what the segregationist southern states got away with in the USA in spite of the provisions of the 14th amendment (recently popularized in the M-Net mini-series “Separate but Equal”, with Sidney Pottier playing lawyer Thurgood Marshall) should be enough to convince people of the dangers of over-devolution of power when a national job needs to be done.

It is clear that at top-level the government of the country will be paralysed by collegiate indecision. This will provide the gap for the regions and the powerful bureaucracy, dating back to the bad old NP days, to do their own thing. How convenient!

Can you imagine a Nelson Mandela, or any political leader for that matter (including Dr Treurnicht), emerging victorious from elections only to be forced to put political opponents in the cabinet? What happens to the doctrine of cabinet responsibility? If one minister goes off on a tangent and pursues policies

diametrically opposed to that of the winning team in an election, will he not be fired?

Nonsense of firm government

Can you imagine a victorious leader serving a brief term as top dog in the Presidency, then moving aside to allow a less-successful figure “rotate” into the job. This process can involve the deployment of three or even more temporary presidents, depending on the party strengths in Parliament. It makes nonsense of resolute government.

It is, of course, possible and likely that a victorious new government in a future South Africa will — as happened in Zimbabwe and Namibia — give minorities who feel threatened some representation in the cabinet. Sam Nujoma appointed a German-speaking minister of finance and a Mooresburg-educated man as minister of agriculture. But he was not forced to do so by the constitution.

A recipe for permanent chaos

The provision for a “multi-party cabinet” — except if it is to be a temporary arrangement pending a new constitution — is a recipe for permanent chaos. But worse: it will inflame racial feelings, because of a sense of frustration on the part of the winners about being hog-tied by this constitutional device. It will not bring out the best in the majority. The real interest of minorities will not be served this way.

The power-battle for South Africa will begin anew, instead of hostilities being suspended in favour of the quest for national reconciliation. The fears and frustrations of minorities would be far better met by a justiciable bill of rights and other well-known arrangements to underpin confidence.

Decisive government from the top is



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more likely to foster rapid economic growth than a presidential and ministerial tower of Babel — and economic growth is surely the final guarantor of minority interests.

It should be recalled that Daedalus, who flew and lived, was an ingenious man, being credited with inventing the axe and the saw in Greek mythology. He had in fact designed the Labyrinth, the palace from which no one before him could find an exit.

Concede principle of majority rule

De Klerk was part of the Botha constitutional Labyrinth which currently imprisons himself and the rest of South Africa. That tricameral Parliament was fatally flawed. Let's not have another disaster, even if it is described by an enthusiastic Die Burger as the “most thrillingly realistic plan for a deeply-divided society such as South Africa's that ever took shape on native soil”.

The only way De Klerk can escape and soar to freedom, with the rest of us, is to concede the principle of majority rule, and support recognized constitutional means of getting there.

When one considers the daring and ingenuity of De Klerk's steps taken in February last year, his constitutional outline is timid — almost a joke. Or is he confusing things? Are these the interim arrangements?

● Constitutional Rule in a Participatory Democracy — the NP's framework for a new democratic South Africa, compiled and issued by the Federal Council of the NP, PO Box 56503, Arcadia, 007.