

THE BLACK SASH.  
NATIONAL CONFERENCE FOR THE YEAR 1978

THE GOVERNMENT'S NEW CONSTITUTIONAL PROPOSALS.

The one hopeful aspect of the new constitutional plan for South Africa is that it implies that the Government recognises that our country has problems and is prepared to go through the motions of attempting to resolve them.

According to Press reports the proposals contain a welter of vaguely - defined clauses allowing for a wide spectrum of interpretation, as has already been evidenced by the divergent views expressed not only by the verligtes and verkramptes within the National Party itself, but by various commentators and the English language Press.

If it was the intention of the Government to provide a plan that could be all things to all people it can be rejected as a meaningless cosmetic operation. If it is genuine in its desire to meet the needs and aspirations of the vast majority of politically impotent citizens in our country then the plan - or what is known of it - is totally inadequate.

'Government of the people by the people for the people' implies that, in the corridors of real political power, all people shall be represented, the will of the majority shall prevail, and rights, privileges and obligations shall be protected by the operation of a free and independent judiciary. The Westminster system may not be the best method of achieving democracy in a non-homogeneous country, but the Government's new 'magic formula' could well be counterproductive.

The very division of people into their racial components, with the implicit denial of their joint contribution to the corporate whole and their joint rights within that whole, is in itself a denial of the essence of democracy. However a Government which has evolved its entire policy upon the separation of people can obviously not be expected to devise a scheme wherein power is actually shared.

A more detailed examination of the scheme bears out this supposition. The concept of three separate parliaments in one common area is pitted with problems. Despite the fact that the racial groups are compelled to live in separate parts of the area to be governed they all contribute towards the common good and have perforce to share common amenities.

In the sphere of public transport, for example, conflict is certain to arise should one Parliament legislate for mixed transport while another rejects this - a situation which would repeat itself at any number of possible flash points such as mixed cultural amenities, mixed beaches, mixed business areas, to name but a few. How much power will each Parliament exercise vis-a-vis the others, and how much power will they be free to wield in relation to the people they represent?

If, as seems likely, /— Page Two/

If, as seems likely, ultimate power is to rest with the President and his Cabinet Council, the Parliaments will have no teeth at all, and will be little better equipped than the already existing Advisory Councils. They may enjoy somewhat more power at the level of local government, but in terms of real political power the gains will be marginal, while the existing white Parliament will inevitably suffer a reduction in power, palpably undermining opposition effectiveness.

There can certainly be no meaningful sharing of power when a Nationalist majority appears to be underwritten in the one significant multi-racial body provided for - the Cabinet Council ; when there is no clarity regarding the respective powers of the three Parliaments ; when, if there is conflict, the Cabinet Council or the President could well have the last word ; when only majority parties may be represented on the Cabinet Council ; and when urban Blacks and English and Afrikaans-speaking South Africans who are not supporters of the National Party are totally excluded.

No known provision has been made to date for an independent judiciary. Nor is it clear whether the judiciary will be empowered to interpret the law to resolve the conflicts which will inevitably arise between so many different governments within one country.

The only ingredient of democracy which is recognised in this constitution is the vote. Presumably if and when all the Homelands become independent every adult South African will be entitled to a vote - whites in their Parliament, Coloureds in theirs, Indians in theirs and urban Blacks with their brethren in the Homelands .

But Coloured and Indian people already have the vote in their Advisory Councils, which vast numbers of them have rejected as being worthless. Many of their leaders have also rejected the new proposals for the same reasons. Urban Blacks have often signified that they do not find a vote in the Homelands adequate compensation for a denial of a share in the Government of the areas where they live and work.

The right to vote in itself is not enough unless it carries influence in the real seat of power which seemingly remains firmly entrenched in the hands of the National Party and through it, in the President and the Cabinet Council.

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Despite the additional Parliaments power will be concentrated in the Executive Branch, with an executive President apparently uncontrolled by such constitutional restraints on his actions as are entrenched in the constitution of the United States.

Nor has any mention been made of the inevitably escalating costs of maintaining three separate governments, and this in a country which is already overburdened with a non-productive bureaucracy. With three Parliaments, three Prime Ministers, three Cabinets, and three organisations which must be staffed the costs will be astronomical and the demands made on tax-payers out of all proportion to the amenities and services provided.

This clumsy and top-heavy Government contrivance will not resolve the racial dilemma in our country, nor can the country afford it. There is no easy solution, but the proposals made to date are simply not good enough. The Government has stated its intention to consult with the Coloured and Indian communities before proceeding with legislation to introduce a new constitution. White opposition parties, urban Blacks, dependent Homelands - indeed all the people - should be included in these deliberations in order to find a solution acceptable to all.

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