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A BICAMERAL CMB

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Critical battle before breakdown.  
Super. means DVA

the ... the ... between

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## CRITIQUE OF THE PROPOSAL FOR A BICAMERAL CMB

One of the participants has made the proposal, apparently seriously, that the CMB be a bicameral body. We are unaware of any precedent anywhere in the world for such a procedure.

Indeed, it seems to represent the kind of elementary confusion between the functions of a CMB and those of a legislature, that would fail a first year law or political science student. There are clear, democratic and manifestly fair ways of ensuring that the Constitution <sup>(an all-inclusive)</sup> ~~that~~ <sup>will</sup> emerges from ~~the~~ seeking consensus, and that the end result CA will be basically acceptable.

To all South Africans, Why create  
a ~~and constitutionally monstrous~~ complex second House when  
manifestly legitimate <sup>(and internationally acceptable)</sup> means of  
achieving the same result are  
available?

~~We feel that counterposing two Houses  
and setting them on collision  
and seeing them as set up  
up in order to collide with each  
other~~

We feel that constructing two Houses  
on the basis of assuming inevitable  
conflict between the majority and  
minorities, and then setting them  
against each other on a collision  
course, is designed to maximise  
rather than reduce differences.

It will encourage reciprocal intransigence rather than ~~mutuality~~ <sup>attempts to find solutions</sup>. Sensitivity to the wishes of the minority cannot be achieved by insensitivity to the feelings of the majority. The Upper House will come generally to be seen as the House of Losers, and Bad Losers at that. What are elections for if loser takes nearly all?

Already we hear the mocking phrase: 'One may also speak of the system of ~~PR~~ <sup>disproportionate representation</sup> simple majoritarianism.' How inclusive

(and nation-building) can a process be that nullifies the wishes of seventy or even eighty

per cent of the population? How inclusive is the process if the third of the population

living in the TBK states is excluded from it? What we need are not two Houses at each others' throats, fearful of and antagonistic <sup>towards</sup> of each other, but

a single, multi-faceted body representing the nation in all its variety <sup>and</sup> seeking to establish fair ground rules for the realisation of the principle that South Africa belongs to all who live in it.

~~Bicameralism~~ This ad hoc and specially constructed bicameralism will be seen by the majority of

South Africans and by the world at large as a reminder that <sup>(the cadavers</sup> apartheid

<sup>still</sup> rules on from the grave into which it was said to be cast. The racial group rights idea at least had the virtue of honesty, declaring in effect that ~~the~~ some people were inherently different from and

more worthy than others. We now end up with ~~the~~ confusion that inevitably results from trying to democratise apartheid. Elections are held to choose losers. Minority parties undermine their moral position by being associated, whether they like it or not, with institutional chicanery. Deadlock is built in as a mathematical inevitability. The defensible principle of regional representation, and, possibly, over-representation in favour of poorer regions, is undermined by the principle of minority groups in the region ending up with more representation than the <sup>regional</sup> majority. Everything is brought into disrepute -

elections, minority rights, even  
true bicameralism itself.

## CONCLUSION

This document ~~is~~<sup>is</sup> confined to the second assignment of Working Group 2. It will have to be read with <sup>global</sup> proposals the ANC has made in relation to transitional arrangements. At this stage, the function of our Working Group is ~~basically~~ to establish the <sup>concept,</sup> character, ~~and~~ mode of creation and method of work of the CMB. When these basic ideas have been formulated, we can meet with other groups concerned with transitional arrangements to create a total procedural package.



I think a 'weak' IG, built  
up of widely acceptable  
Eminent SA Persons would  
both correspond to the  
Interim character we  
want, leave the way open  
to the creation of a truly  
democratic govt. through  
the vote, & be widely  
acceptable.

We could build on  
the Peace Commission  
process & personnel.

Include <sup>as well</sup> people like Beyers  
Fatima, Malusa, van der Plabbe