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THE NATIONAL PARTY'S CONSTITUTIONAL PROPOSALS

The constitutional proposals adopted by the ruling National Party last week have received wide coverage in the international media. Although the ANC's negative reaction has featured in most reports, treatment has generally been respectful - the implied suggestion is that the proposals should be taken seriously. And so they should.

President de Klerk, in the speech of 2 February 1990 that started it all, recognised that apartheid had to be abolished; acknowledged the moral right of Black South Africans to participate in the government of the country on the same basis as Whites; and committed the NP to negotiating a new form of government in which race and colour would not consciously figure. The NP's constitutional plan reflects this.

As The Cape Times (5 September) writes - "The NP's plan, offering a system of participatory democracy or power-sharing is an astonishing change of direction given the history of 1948-1989".

Why then were these proposals so summarily shot down by the ANC? And how far apart are these two major players in their view of how a future South Africa should be governed? (The ANC revealed its proposals in April.)

As with their respective approach to the economy of the new South Africa (both are committed to growth in a social market type economy, but the NP tends to stress the creation of wealth and the ANC its distribution), what divides the ANC and the NP is less a difference of principle than of approach.

The two share a commitment to the following -

- * The supremacy of the constitution and all this implies.
- * The inclusion of a Bill of Fundamental Rights.

- * An independent judiciary and the "non-political" selection and appointment of judicial officers.
- * Universal franchise ("One person, one vote").
- * An electoral system based on proportional representation.
- * A multi-party political system.
- * Both accept the re-incorporation through negotiation of the former Homelands.
- * Strong regional and local government.

And both accept that the new constitution has to be negotiated in a process which includes as many political parties and organisations as possible.

The difference between the NP and the ANC stems from their respective approaches to power at the centre - the NP wants to disperse power at the centre so ostensibly avoiding destructive competition for control; the ANC wants power concentrated at the centre, ostensibly to cope with the urgent social and economic problems the country faces.

But underlying both approaches are certain practical political assumptions. The NP knows it cannot hope, on its own, to be a majority party, but, at the most, the dominant members of a majority alliance. However the ANC believes - with good reason at the moment - that it can singly command a majority.

Hence the NP's concept of "participatory democracy" and "power sharing" and its declared intention of seeing several parties "effectively involved" in the system of government; and, by contrast, ANC's "the majority should rule" approach.

This explains key points of constitutional differences between the NP and the ANC.

- * The NP favours a collegial presidency of three political leaders, the chairmanship rotating on an annual basis (along Swiss lines). The ANC opts for an elected President with a fixed term of office.
- * The NP wants a multi-party cabinet appointed by the three members of the presidency on a basis of consensus. The ANC wants the majority party to fill cabinet appointments.
- * The NP proposes that each of its nine envisaged regions should have equal representation in the upper legislature chamber, and all political parties which poll a certain minimum percentage of votes should have the same number of seats. This, clearly, is part of a federal scheme of things, and federalism has been rejected by the ANC.

The differences regardless, there is more than enough common constitutional ground between the ANC and the NP for them to proceed with the all-party constitutional conference they are both committed to holding - and the Peace Summit this Saturday (14 September) - made so much more urgent by the killings at the weekend - should set the scene for serious multi-party talks on a new form of government.

One consequence of the NP's proposals would be to encourage smaller political parties - with the principle of proportionality built into the constitution at virtually all levels, the smaller players are assured a future political role.

However, of immediate importance is that they will be encouraged to participate actively in the constitution-making process - where they have an extremely important contribution to make.

Indispensable though the NP and the ANC are to the process, neither has all the answers. For example, neither the ANC nor the NP has addressed the central issue of ethnicity and the political role of ethnic groups. The ANC's concept of nationhood denies their existence, and the NP cannot respectably raise the matter, because (through apartheid), it corrupted the concept of ethnicity.

So it will be for Inkatha, or the Democratic Party, or the Labour Party, to put this and other issues on the table.


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