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Constitutional development in South Africa: Proposals by the ANC, DP and NP

The constitutional debate in South Africa is gaining unprecedented momentum. The past two months have witnessed the proposals put forward by the Democratic Party and National Party. The African National Congress constitutional proposals were published in April 1991. Given the historical background of conflict between various political organisations, it is surprising that a number of areas of common ground can already be identified. There are, however, a number of fundamental differences which still need to be addressed. The most important philosophical points of conflict between the ANC, DP and NP are the following:

Coalition government

The National Party and Democratic Party favour rigid constitutional guidelines which require coalition government to the extent that even if a single political party receives a majority of the votes, it would still need the co-operation of other parties in order to govern the country. The three man presidency, coalition cabinet and equal status of the two houses of parliament are aimed at preventing normal majority decisions. In such a way the NP believes the interests of minority political parties will be protected. The ANC, however, firmly rejects any notion of a constitutionally required coalition. The ANC - which views itself as a probable majority party - favours a system where even if coalition occurs, the majority should be able to act unhindered in executing its political and economic programme.

Constitutional guarantees for regions and local authorities

The National Party and Democratic Party support the principle of entrenched competencies for regional governments. That entails that the constitution, as the supreme source of governmental authority, sets out the competencies of central and regional governments. The regions thus have original powers and should a transgression occur, the courts could nullify such an act. The ANC is in favour of the delegation of powers to the regions and local governments by the national parliament. Parliament is therefore the source of regional autonomy and such autonomy can be limited or extended should parliament wish to do so. The ANC emphasise the duty of the central government to initiate and undertake programmes of national importance and is sensitive to the possibility that regions and local governments may frustrate the agenda of national priorities.

Affirmative action

The National Party and Democratic Party are in favour of affirmative action programmes aimed at assisting individuals to improve their skills, training, education and to encourage socio-economic upliftment of the general population. Such programmes, however, have to adhere to the basic requirements and guidelines set out in the bill of rights. The ANC proposes such extensive affirmative action programmes that any provision of the bill of rights may be suspended if an act aims to institute special measures to provide affirmative action for people who in the past have been disadvantaged by discrimination.

Socio-economic rights

The ANC, DP and NP agree in principle that certain social, cultural and educational rights be included in the bill of rights in addition to the traditional civil and political rights. There are, however, serious differences in regard to the judicially enforceable duty that the state has to address inequalities that may exist. The NP is in favour of governmental programmes to assist individuals but stress that such programmes cannot be judicially enforced. The DP favours a statement of social, economic and cultural obligations of government which will place political and moral duties on the government without creating judicially enforceable rights. The ANC supports the inclusion of extensive social, economic and cultural rights as part of the bill of rights. Such rights will enable the courts to require the government to undertake upliftment programmes with regard to freedom from hunger, right to shelter, rights to health, work and minimum income.

DIAGRAMMATIC COMPARISON OF PROPOSALS BY ANC, DP AND NP

PRESIDENT

<u>ANC</u>	<u>DP</u>	<u>NP</u>	<u>POSSIBLE DEVELOPMENT</u>
<ul style="list-style-type: none"> ● Executive president elected in general election ● President acts in consultation with prime minister ● President may serve a maximum of two five-year terms 	<ul style="list-style-type: none"> ● Executive president elected in general election ● President acts in consultation with prime minister and has the powers of the present state president ● President is elected for a seven-year term 	<ul style="list-style-type: none"> ● Presidency comprising 3-5 member with a rotating chairman ● Presidency must represent at least 50 % of parties in parliament. Decisions taken by consensus ● Term coincides with parliament 	<ul style="list-style-type: none"> ● President and prime minister elected by parliament ● President and prime minister act in consultation with each other. Prime minister chairman of multiparty cabinet ● Term coincides with parliament

CABINET

<u>ANC</u>	<u>DP</u>	<u>NP</u>	<u>POSSIBLE DEVELOPMENT</u>
<ul style="list-style-type: none"> ● Members of cabinet appointed by president at own discretion ● Prime minister appointed by president ● Prime minister acts as chairman of cabinet 	<ul style="list-style-type: none"> ● Multiparty cabinet required by constitution. Each party with 10 % and more support must be represented in cabinet ● Prime minister appointed by president ● Prime minister acts as chairman of cabinet 	<ul style="list-style-type: none"> ● Multiparty cabinet required by constitution. Parties represented according to electoral support received ● Ministers appointed by presidency ● Member of presidency acts as chairman of cabinet 	<ul style="list-style-type: none"> ● Multiparty cabinet required by constitution or special vote of confidence in cabinet by parliament ● Prime minister and president enjoy majority support in parliament ● Decisions not necessarily on basis of consensus, with prime minister as chairman

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The views expressed in this newsletter are those of the author and not necessarily those of the HSRC or the Advisory Committee for Political Science Research.

PARLIAMENT

<p><u>ANC</u></p> <ul style="list-style-type: none"> ● Parliament consists of two houses ● <u>First house</u> — Members elected by proportional representation — Decisions taken by majority vote — First house has more competencies than second house 	<p><u>DP</u></p> <ul style="list-style-type: none"> ● Parliament consists of two houses ● <u>First house</u> — 350 members elected by proportional representation — Decisions taken by majority vote — Houses have equal status except for money bills, where first house can take final decisions 	<p><u>NP</u></p> <ul style="list-style-type: none"> ● Parliament consists of two houses ● <u>First house</u> — Members elected by proportional representation and single-member constituencies — Decisions taken by majority vote — Houses have equal status 	<p><u>POSSIBLE DEVELOPMENT</u></p> <ul style="list-style-type: none"> ● Parliament consists of two houses ● <u>First house</u> — 300-380 members elected by the list system of proportional representation. Provision for regional lists of candidates — Decisions take by majority vote. Special majority required for amendment of constitution — Extensive use of committees in order to facilitate consensus, with equal status for houses except in emergencies
<p><u>ANC</u></p> <ul style="list-style-type: none"> ● <u>Second house</u> — Regions represented on proportional basis — Can delay but not veto legislation — Can refer a bill to constitutional court for opinion 	<p><u>DP</u></p> <ul style="list-style-type: none"> ● <u>Second house</u> — Regions have equal representation irrespective of other factors. 66 of the 100 members are directly elected by regions, 33 elected by local authorities and 1 appointed by president — Can veto legislation with the exception of money bills 	<p><u>NP</u></p> <ul style="list-style-type: none"> ● <u>Second house</u> — Regions have equal representation. Each political party in region has equal representation — Can veto all legislation 	<p><u>POSSIBLE DEVELOPMENT</u></p> <ul style="list-style-type: none"> ● <u>Second house</u> — Equal representation for all regions — All members directly elected by regions by means of proportional representation — Special powers with regard to treaties, appointments, etc. — Extensive use of committees to encourage consensus — Equal status between houses but provision for emergency procedures such as a joint sitting, when deadlocks occur

REGIONAL GOVERNMENT

<p><u>ANC</u></p> <ul style="list-style-type: none"> • TBVC states reintegrated with South Africa • Non-racial and non-ethnic regions demarcated (+ 12?) • Regions have delegated competencies • Regional governments are directly elected 	<p><u>DP</u></p> <ul style="list-style-type: none"> • TBVC states reintegrated with South Africa • 8-12 non-racial and non-ethnic regions demarcated • Competencies of regions are entrenched in the constitution • Regional governments are directly elected by means of proportional representation 	<p><u>NP</u></p> <ul style="list-style-type: none"> • Future of TBVC states negotiated individually with each state • 9 Regions demarcated on economic development lines with provision for subregions • Competencies of regions are entrenched in the constitution • Regional governments are constituted in similar fashion as on central level with a presidency, etc. 	<p><u>POSSIBLE DEVELOPMENT</u></p> <ul style="list-style-type: none"> • TBVC states reintegrated with South Africa • 8-12 regions demarcated on basis of economic feasibility, population composition and concentration, historical boundaries and infrastructure • Competencies of regions entrenched in the constitution • Constitution provides for limited parliamentary sovereignty to enable parliament to override regional powers should circumstances require it • Popularly elected regional government on basis of proportional representation. Executive composed in similar fashion as on central level • Limited local options to cater for needs of certain regions, for instance to accommodate traditional leaders
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LOCAL GOVERNMENT

<p><u>ANC</u></p> <ul style="list-style-type: none"> • Non-racial government with a single tax base for cities • Powers are delegated by parliament • Directly elected by proportional representation 	<p><u>DP</u></p> <ul style="list-style-type: none"> • Non-racial local government with a single tax base for cities • Powers are delegated by parliament or regional governments • Directly elected by proportional representation 	<p><u>NP</u></p> <ul style="list-style-type: none"> • Non-racial local government with a single tax base for cities • Powers are entrenched in the constitution • Directly elected. Two voters' rolls. One containing all names and the second, owners, rate-payers and lessees • Neighbourhood councils on sub-municipal level to oversee civil protection, community services, etc. 	<p><u>POSSIBLE DEVELOPMENT</u></p> <ul style="list-style-type: none"> • Non-racial local government with a single tax base for cities • Powers are decentralized by regional governments • Members directly elected by means of proportional representation and single member wards • Neighbourhood committees formed on a voluntary basis with no constitutional status or powers
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International protection of minorities: Lessons for South Africa?

Introduction

One of the most topical subjects in the present constitutional debate in South Africa is the question whether formal provision should be made for the participation of ethnic minority groups in government institutions and processes. If the answer is yes, there are many further vexed questions that require attention — such as which groups must be protected, how individuals qualify to become members of a group, and the nature and scope of the protection a group can expect.

In an analysis of the South African political spectrum, it is noteworthy and ironical that it is precisely those political groupings which were formerly the harbingers of discrimination and apartheid that are now the champions of group protection. It is accordingly not surprising that there should be a large measure of suspicion, mistrust and cynicism towards that concept. Given South Africa's political history it is consequently most unlikely that the "group question" can be discussed in a neutral and objective manner. It has so many divergent emotional undertones that it could well lead to an impasse in forthcoming negotiations.

The purpose of this newsletter is to examine, from a bird's eye view of a number of states around the world, ways of meeting the challenge of group protection. By comparing their legal systems, certain techniques, approaches and definitions may be identified as objective and judicially sound guidelines for South Africa.

It is fairly generally accepted that, in order to satisfy democratic requirements, special constitutional provisions and usages may be developed in states with heterogeneous populations. Particularly in the past decade there has been a marked awareness in both international and national law of the needs and aspirations of minorities. After World War II there was initially a strong reaction against any form of minority protection, but the situation has so changed that in 1979 a special Rapporteur of the United Nations commented:

"For quite a long time (forty years) after the end of the Second World War, it was thought — and stated in writing — that the question of international protection of minorities was no longer topical. During the last few years however, that view has proved wrong."

International agreements concluded by the United Nations since 1960 point to a new approach to the protection of groups:

examples are the Convention on Civil and Political Rights and the Convention on Economic, Social and Cultural Rights as well as the draft Convention on Native (Indigeneous) Rights. A characteristic of this approach is that while individual rights are accepted as the point of departure, provision is also made for minority protection.

In the national law of various states a similar awareness and sensitivity towards minority protection has developed. States like *Belgium, Canada, France, Spain, Italy, Mauritius* and *Fiji* are but some that have experienced during the past two decades a strong revival of ethnic consciousness, and have accordingly tried to accommodate minority aspirations in peaceful ways.

In what follows, an examination is made of the endeavours of a variety of states to provide minority groups with constitutional protection. The four points of reference that form the basis of the exami-

nation are: the role of a *bill of rights*; the type of voting system used for the purpose of *representation*; the means by which minorities are included in *decision making*, and the *autonomy* granted to minority groups.

Bill of Rights

A bill of rights can serve to set out and protect those rights of value to the individual's distinctive identity. It includes the concept that matters such as an individual's right to free association, which lies at the root of minority protection, should be safeguarded. In addition, provision can be made for the right to religious freedom, cultural expression, mother-tongue education and language use in public offices. Normally the value of such rights is fully realized when an individual associates in a group context with other individuals who share the same convictions. In this way the group as a whole is indirectly protected because the individual rights of its members are respected.

Some examples of states that have sought through a bill of rights to safeguard the distinctive identity of groups are the following:

- * *India* prohibits any form of discrimination based on an individual's race, religion or caste (a14). The right of individuals to own land is expressly recognized (a19) and the right to practise their own religion is safeguarded (a19). The constitution further stipulates that any group that has a distinctive language, orthography or culture is entitled to maintain it (a29(1)). At the same time such groups are offered the opportunity "to establish and administer educational institutions of their choice" (a30(1)). The authorities may intervene in the running of a school of this kind only when it is necessary in the interest of the public order or morality.
- * In 1982 *Canada* accepted a bill of rights recognizing the entitlement of individuals to mother-tongue education (a23). The qualifying guideline is that the concentration of children and the funds available must be sufficient to justify the establishment of an own school with state aid.
- * In *Belgium* the right of individuals to freedom of worship is recognized (a14), while at the same time it is laid down that no one may be obliged to take part in religious activities (a15). The freedom of choice of individuals in respect of education is protected; and this includes that schools may uphold a distinctive ideological, philosophical or religious outlook (a17(1)).
- * *Mauritius* provides for the education of individuals of minority groups in their mother tongue. The running and maintenance of such schools must be financed by the parent community concerned (a14).

Representation

Many states seek by informal or formal means to provide representation for groups in the legislature: in this way the participation of the most important political groupings in legislative processes and institutions is ensured. A variety of voting systems are consequently encountered in practice that testify to the endeavours of states to make the composition of the legislative authority as representative as possible of the population as a whole. These efforts are characterised by the need to strike a balance between recognition of group distinctiveness and the stimulation and development of cross-cutting loyalties.

The voting systems of various states display variations of their own, but in general the following five relevant forms can be identified:

- * *Separate voters' rolls* which offer the groups the opportunity to compile homogeneous voters' lists in order to elect candidates who are accepted as members of the group. States such as *India*, *Ceylon* and *Malaysia* considered this approach but it was rejected because of the discrimination, suspicion, conflict and privilege with which it is associated in practice. *Cyprus* introduced separate rolls for the Greek and Turkish groups; but together with other provisions of the constitution they led to a system so rigid that it was described as follows: "Communal rights in this framework, if misused, can be just as detrimental to constitutional government as an unchallenged majority" (Kykiakides (1968) 66).

Rhodesia for a number of years had separate rolls for whites and blacks. *Zimbabwe*, following independence and as part of a transitional arrangement, likewise provided for separate rolls, but they were



powers. Similar endeavours to protect groups on a regional basis are encountered in *France* (Corsica and Breton), *Yugoslavia* (Kosovo and Vojvodina) and Papua New Guinea.

- * *Local governments* can also serve as geographic units in which groups may establish themselves in order to exercise certain powers. In *Nigeria* the 1979 constitution aimed to meet the needs of groups by granting wider competence to local authorities and at the same time increasing the number of member states. In *India* the community councils, or Panchayati Raj, are used to increase the participation of the local population in decision making. In *Vanuatu* local governments are likewise used to draw into that process, among others, traditional leaders, chiefs and women.

It is also possible to give autonomy to minorities although they are not concentrated in a particular geographic area. In such a case the term *personal* or *corporative* autonomy is used. However dispersed its members may be, matters which directly affect its distinctive identity can be entrusted to the minority — such as aspects of education, culture, language, customs, personal and family law, traditional authorities, holidays, symbols, the arts and communication media.

Although the granting of personal or corporative autonomy is relatively scarce, it has already been successfully applied in Estonia, Cyprus and Belgium. In *Estonia* groups become autonomous with regard to certain aspects, provided they consisted of a certain number of members of whom a majority requested autonomy. In *Cyprus* the Greeks and the Turks each had their own communal chamber which took decisions concerning the interests of their respective members wherever on the island they lived. In *Brussels*, capital of Belgium, the Flemings have their legislative body with a legal personality, and the French have theirs. Each handles the education and cultural affairs of its own members notwithstanding the mixed living pattern of the two groups, while they jointly decide on matters of common concern.

Conclusion

It is apparent from the foregoing that there is no single or simple technique for majority protection around the world. On account of the growing sensitivity towards the needs of majority, various formal and informal efforts are being made in practice to involve them in political processes.

Those most generally encountered are: the protection of language, culture and religion through a bill of human rights; the development of a voting system to accurately reflect political opinion; the establishment of mechanisms to enhance the legitimacy of decisions by the effective involvement of the various opinions of society, and the granting of autonomy to minorities on a geographic or personal basis. As stated above, one or other or a combination of these techniques may be employed.

Guidelines for South Africa

Every country has the right to decide for itself how to overcome its constitutional problems. The above case studies may serve as a frame of reference for the development of solutions of their own kind for South Africa. Some guidelines that can be identified for South Africa are the following:

- * There first has to be a broad consensus among all the important political actors that individuals belonging to minorities are entitled to some kind of protection.
- * The particular techniques to be considered need not be limited to the rights of individuals. The nature of the voting system, the way in which decisions are taken and the scope of group and regional autonomy are inherently interwoven with a democratic dispensation in a heterogeneous community.
- * The point of departure for minority protection is respect for everyone's individual rights and dignity. The principles of equality and free association are fundamental principles for any successful democratic society. Individuals should therefore neither be obliged to belong to minorities and their organizations nor be prohibited from doing so.
- * The constitution should contain guidelines as to which minorities are entitled to claim protection. The generally applicable norms in the case studies are that language, cultural and religious groups may enjoy recognition. Group protection based purely on racial grounds will not be able to overcome the inherent and historically founded suspicion concerning race. A more neutral norm, based on voluntarily acquired attributes such as language, culture and religion, should be considered.

- * A consequence of group protection must not be that members of the population and their leaders act in isolation from one another or indulge in ethnic mobilization *vis-à-vis* other groups. Government institutions and processes must be designed to inculcate and develop cross-cutting loyalties and a common patriotism among all members of the population.
- * All three levels of government have a decisive role, together with a bill of rights, in providing protection for groups. Local, regional and central government furnish, with cultural councils, a framework for that protection. On account of their living patterns some groups will be able to be accommodated in an indirect manner through geographic arrangements; while for others whose members are dispersed special measures will be required.

National ethic

Any democratic constitution for South Africa will have to be supported by a national ethic which cuts across cleavages of race, ethnicity, region and sex. Such an ethic will have to include at least the following: a respect for the constitution, a spirit of fair play, a tradition against the measure of power, a commitment to the furtherance of national interest, defence of the law, respect for individual rights and freedoms, self-reliance and a limited role of the armed forces.

The following research relating to the topic of minority protection has recently been undertaken by the Centre:

- * The protection of minorities in international law
- * Estonia: Headache for the USSR, but lessons in minority protection
- * Ethnicity and federalism in Africa: The case of the KwaNatal indaba proposals
- * Constitutions providing for minorities
- * A comparative evaluation of efforts by states to protect minorities
- * The protection of minorities in Brussels and its applicability to the KwaNatal indaba proposals.

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There is no fear in love. But perfect love drives out fear because fear has to do with punishment. The one who fears is not made perfect in love.

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abandoned after the guaranteed period of seven years. Since 1867 Maoris in *New Zealand* have had at their disposal a separate roll and have been allocated four of 80 legislative seats; but each Maori may decide whether his name appears on the general or the separate list. Between 1970 and 1987 *Fiji* had separate rolls for each group together with a common roll on which everyone's name appeared. Each group thus had guaranteed representation while at the same time electing members of the other groups.

All kinds of potential disadvantages are associated with the use of separate rolls. The greatest of them is probably that they can lead to the enclosing of groups in watertight ethnic compartments inhibiting the development of cross-cutting loyalties. Also, the system tends towards a political style shaped by the subordination of national interest to group interests.

- * In *India entrenched seats* ensure that members of minority groups, despite the use of a single voters' roll, are elected. In the composition of legislative bodies for the member states and federal parliament, a certain percentage of constituencies are allotted to the Scheduled Castes and Tribes. While all members of the population in such constituencies appear on the same roll, only members of the identified group may be elected.
- * *Proportional representation* seeks to allocate seats to political groupings in proportion to their real support. Parties can decide for themselves whether they limit their appeal to a particular ethnic group or extend it to others. Several variations of proportional representation are encountered in practice. In *Belgium* the D'Hondt system is employed to grant representation to the Flemish and French groups. This system is described by Olivier as the "fairest", and it is widely accepted that there is not "a single system which better satisfies expectations". (Olivier "Party- en kiesstelsels" in Van Vuuren and Kriek *Politieke alternatiewe vir Suid Afrika* (1982 348). The system has contributed to the fact that since 1919, with a single exception, no political party has been able to win a clear majority. A further consequence is that the seats of the two largest language groups, Flemish and French, are proportionally related to the size of their respective populations.
- * *One roll with group candidates* is an approach in which, while all voters appear on the same list, candidates must indicate for which of the recognized groups they stand. Candidates must therefore be able to show that they are accepted as a member of a particular group. However no voter is obliged to disclose his group membership or to vote only for candidates of his group. In *Mauritius* the system recognizes four "communities" — Hindu, Muslim, Creole and the general population. In *Brussels*, capital of Belgium, the Flemish and French groups are safeguarded in this way.
- * *Team candidates* is a system requiring that candidates stand as teams, of which at least one is a member of a minority group. Voters appear on the same roll and each has one vote to give to the team of his choice. The system has been applied in Singapore since 1988: candidates must stand in teams of three, and each team must include at least one member representing the Malay minority — thus ensuring that at least one third of representatives belong to the Malay minority.

Participation in decision making

The objective of decision making in a heterogeneous society should be to achieve maximum agreement and thus legitimacy for decisions made. This can be attained by involving leaders of the most important political groupings in the process. Minority groups must therefore not only be given representation in legislatures: rules and conventions also need to be developed to enable them to have an effective say in the decisions that are taken. This should involve regional and group participation from the initiating of a bill to its acceptance, to enhance the general legitimacy of the legislation.

The following techniques are employed in the constitutions of various states to increase the legitimacy of decisions and include minorities in decision making.

- * *Participation in the executive authority.* As the most important initiator of bills, the executive authority should be representative of the broad public opinion. If consensus can be found in the executive branch, the chance is much better that agreement will be reached also in the legislature. In *Belgium* the constitution stipulates that the cabinet, with the exception of the chairman, must consist of an equal number of Flemish and French members, irrespective of their difference in population

size. Decisions are taken by consensus. In *Switzerland* the constitution requires a cabinet of seven members, with a maximum of five Germans and at least one member who speaks French and one Italian. The chairmanship rotates annually among the members. In *Nigeria* provision is made that at least one person from each of the 21 states must be appointed in the executive.

- * *Joint committees in parliament.* The use of committees consisting of representatives of all the political groupings can help in the reaching of agreements outside the public view. Such committees not only speed up the legislative process; they provide the opportunity for enlisting greater expert and minority involvement. In *Switzerland* the committees function so successfully that parliament tends to approve only those decisions that have been endorsed by one or other of them. In *Germany* a feature of the working of the committees is the aim to reach agreement, at virtually any cost, behind closed doors.
- * *An advisory body.* As part of the legislative process, an advisory body can be used to examine bills, hear opinions and make proposals. In *Belgium* the advisory Council of States is made up of an equal number of Flemish and French members. Almost all bills are referred to it for advice. In *Australia* the financial advice body, the Commonwealth Grants Commission, has since 1933 played so important a part in the allocation of funds between the member states that there has never been any deviation from its advice.
- * *Consensus* between groups or Houses can be required before a decision is taken. Obviously the danger must be guarded against of giving a single group or region an unqualified veto right. That can easily lead to a "minority tyranny". In *Cyprus*, because it was used in an unfair way, the veto right of the Turkish minority forced the process of government to a standstill. In *Canada* the meetings of the ten premiers have so important a role that each of the ten, by convention, has an informal veto. In *Switzerland* and the *USA* the two Houses of the federal parliament have equal status. No member state alone has the right of veto.
- * An *emergency procedure* can be brought into operation during the legislative process to obviate the acceptance of a law that may threaten the stability of the country or the relationship between its people. In *Belgium* provision is made for an "alarm-bell" procedure. It empowers either of the two groups to refer back to the cabinet for reconsideration a bill being debated in parliament that may endanger relations between them.

Autonomy of groups and/or regions

The granting of autonomy to groups and/or regions is an important constitutional technique to safeguard minorities. Autonomy refers to the transfer of powers to a group or region to enable it to take decisions important for its distinctive identity. Autonomy can thus be granted to regions and/or groups. Although autonomy is normally given to geographic units such as regional or local governments, minorities can also enjoy autonomy and concomitant legal personality. Where a group has autonomy its jurisdiction, in the nature of the case, is not geographically circumscribed but is person-related and extends to members of the group wherever they may live.

The following forms of *geographic autonomy* are encountered:

- * *Member states in a federal form of government* derive their powers from a written, entrenched constitution enforced by the courts. Indirect autonomy is granted to groups which live concentrated as a majority in a member state by virtue of the state's powers. In *Switzerland* each of the official language groups — German, French and Italian — has at least one canton in which its members live as a majority. In *Canada* the English speakers have nine provinces and the French one, Quebec, as the basis of their autonomy. *India* endeavours to have the borders of member states coincide as far as possible with those of minorities so as to give groups protection on a regional basis. *Nigeria* has since 1960 increased its regions from 7 to 21 in an effort to diffuse ethnic conflict.
- * Through a devolution of decision making, *regions in a unitary state* may also exercise autonomous powers. In this way groups that live concentrated in particular regions can acquire autonomy indirectly. Since 1978 *Spain* has made use of comprehensive devolution to grant autonomy on a regional basis to ethnic groups such as Basques, Catalonians and Galacians. *Italy* also seeks to grant autonomy to concentrated groups in regions like Sicily and South Tyrol which already have extensive