

DEMOCRATIC MAJORITY RULE vs POWER SHARING

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A. MAJORITY RULE1. INTRODUCTION

The central issue on the political and constitutional front between the major contending parties in the current negotiation process in South Africa is the issue of DEMOCRATIC MAJORITY RULE vs POWER SHARING.

The African National Congress is committed to the establishment of a single united non-racial non-sexist democratic South Africa based on one person one vote, universal suffrage, the entrenchment of universally accepted rules of democracy, namely a multi-party system, regular election, the right of a party victorious in elections to form the government and the right of losing parties to perform their traditional role in opposition. This scenario allows for voluntary coalitions but excludes compulsory coalitions. Other features of such a democratic order will include a Bill of Human Rights and an independent judiciary.

2. POWER SHARING

The protagonists of POWER SHARING do not share this vision. They include F W De Klerk's National Party and the Democratic Party (often referred to as the party of the mine bosses). They may object to our counterposing democracy to power sharing. They will claim that in the context of South Africa a power-sharing arrangement is democratic. I reject this notion and contend that in South Africa a power-sharing formula is essentially anti-democratic and is designed to prevent democratic majority rule. The notion these parties put forward of power sharing is not only proportional representation in parliament (that is an electoral system based on proportional representation). They also call for proportional representation and participation by minority political parties in the executive or cabinet, coupled with a process of decision-making which involves consensus and the right to veto.

3. DE KLERK'S OBJECTIVE: PRESERVATION OF WHITE PRIVILEGE

The oppressed and exploited people of South Africa have fought for democracy in the generally accepted sense of the term. This means majority rule, not power sharing. Whilst the South African regime has been compelled to enter into negotiations with the African National Congress, this does not mean that the regime has committed itself to a democratic constitution. Indeed the government has made it clear that it has entered negotiations with the objective of preserving the basic elements of the social and economic status quo. It has consistently rejected democratic majority rule. To those who may find the formula of power sharing alluring, let it be pointed out that 82 years of white domination (since the formation of the Union of South Africa in 1910) have seen a process which over a period of time has resulted in the entrenchment of monopoly domination of the South African economy and the consolidation of massive wealth, land and property in a few white hands. It has also seen the overwhelming majority of blacks reduced to a state of landlessness, propertylessness, homelessness, illiteracy, lack of skills, poverty and often starvation. These 82 years of white domination have also seen the establishment of a strong centralised, interventionist and repressive apartheid state and the creation of structures which maintain massive inequalities. Apartheid over the last 40 years under the rule of the National Party has institutionalised racism and the glaring disparities between white and black. A power sharing arrangement in this context will prevent a democratic majority from tackling these huge social and economic disparities unless the minority parties also agree.

In South Africa the mere removal of apartheid laws will bring about very little change. Monopoly domination will remain. The concentration of wealth in the hands of a few will remain. Starvation, poverty, landlessness, homelessness and powerlessness for the vast black majority will remain. Power sharing will ensure that these features cannot be altered without minority consent.

4. TRANSFER OF POWER

What the oppressed masses of South Africa need is transfer of political power from the white minority regime to the people of South Africa as a whole. There is nothing sinister in the concept of transfer of power to the people. In the context of South Africa it means the creation of a non-racial non-sexist democratic order based on one person one vote and democratic majority rule. Democratic majority rule is a necessary political instrument to empower South Africa's people, through the democratic parliamentary process, to effect social and economic transformation, to implement land redistribution and

to take steps to eliminate the massive inequalities and disparities caused by the apartheid system. The power sharing arrangement entrenched in a constitution (which the NP and DP want) is a formula designed to make it impossible for a majority political party to implement any of its social and economic programmes without the consent and agreement of the other parties. In short power sharing means no majority rule.

What the National Party and Democratic Party propose is enforced coalitions between majority and minority political parties in the Executive - a prescription for ungovernability and chaos.

5. RACIST POLITICS BY DE KLERK

In February 1990 F W De Klerk recognised that the total war to destroy the liberation movement in South Africa had failed. He was compelled to recognise that the liberation struggle could not be defeated or suppressed. He accepted the inevitability of negotiations and has moved consistently along this path ever since. However, it is clear that neither he nor his party have abandoned racist politics. What is more, neither he nor his party have suddenly become democrats. Every one of his utterances since February 1990 has stressed his opposition to democratic majority rule. In February this year for example, De Klerk as head of the white minority government, announced the holding of a whites only referendum. In this racist referendum, over 80% of South Africa's people were cast aside as spectators. The question which De Klerk put to his white flock was:

"DO YOU SUPPORT THE CONTINUATION OF THE REFORM PROCESS WHICH THE STATE PRESIDENT BEGAN ON 2 FEBRUARY 1990 AND WHICH IS AIMED AT A NEW CONSTITUTION THROUGH NEGOTIATION?"

Since formulating this question (and for the present we leave aside the arrogance of the question as stated) De Klerk and his party have gone out of their way to explain to whites that they do not intend to transform South Africa into a democracy. Indeed, the adverts of De Klerk's party are instructive. In one such advert, in bold banner headlines spread across two pages of various newspapers, De Klerk's party exhorted whites as follows:

"IF YOU'RE SCARED OF MAJORITY RULE, VOTE 'YES'."

De Klerk has fought the racist referendum - not on the basis of a call for democracy but on the basis of a formula to deny democracy.

An examination of the constitutional proposals of De Klerk's party will reveal that they are fundamentally at variance with the ANC position.

6. NAMIBIA AND ZIMBABWE

There is of course nothing strange in ruling classes resisting majority rule. In Namibia the present South African government did its utmost to frustrate the demand for an elected Constituent Assembly. Right up to the last the S.A. government tried to implement a power sharing arrangement. Happily for the Namibian people, it failed.

In Zimbabwe Ian Smith tried until the very last to prevent majority rule. He came to an agreement with Bishop Abel Muzorewa for an extended period of power sharing. We need no reminding of the way the Patriotic Front in Zimbabwe fought back and popularised the slogan "NO INDEPENDENCE WITHOUT MAJORITY RULE". In the process the struggle in Zimbabwe defeated various anti-democratic devices as well as the Smith-Muzorewa constitution (which did not last one year). I take the view that in South Africa - because of the legacy of apartheid deeply imbedded in every facet of South African life, democracy without majority rule is no democracy.

B. RESTRUCTURING THE SOUTH AFRICAN STATE

7. NATIONAL LIBERATION STRUGGLE

I now turn to the South African State itself. To transform South African society into a democracy, ie to effect democratic, political, social and economic transformation, requires a radical restructuring of the South African state itself.

The ANC has consistently characterised the struggle in South Africa as being a national liberation struggle. It has consistently rejected the notion that the struggle was one for the mere extension of civil rights and equality within the context of the existing state. The struggle in South Africa has been against the South African state itself. It will be remembered that the formation of the Union of South Africa in 1910, i.e. the formation of the South African state itself, was the culmination of a bloody process of colonial conquest. For the oppressed people, Union symbolised victory by British imperialism and white rule over the conquered people.

8. GOVERNMENT AND STATE: INSTRUMENTS OF DOMINATION

Ever since Union in 1910, the oppressed and exploited people have always seen the South African government and the South African state as one and the same thing. The State in South Africa has been a highly centralised instrument in the hands of mining capital (later with other fractions of capital) in alliance with white minority interests. The parliament which

was created by the Act of Union was an all white parliament. Blacks were totally excluded and have remained excluded, right up to the present time. Smuts and others who headed the South African government after Union systematically co-opted not only white farmers but also white workers against the black oppressed majority. This scenario has remained consistent ever since. Whilst therefore whites may have seen in the South African state an organ for their protection and for the promotion of their interests, for blacks the South African state has represented the enemy itself.

Ever since Union there has existed in South Africa a highly deformed version of parliamentary sovereignty. The white ruling elite enjoyed the franchise with the right to elect and be elected to all governing councils in the country. And so white South Africa has always labelled itself as a democracy. But it was always a case of democracy for whites and dictatorship for blacks.

The State itself, as an instrument of powerful monopoly interests, became more and more centralised and bureaucratised. It also became more and more repressive to enable it to deal with the rising tide of black resistance and mobilisation in struggle. Today the South African state enjoys no legitimacy or acceptability in the eyes of the overwhelming majority of black South Africans. In fact the state is seen to be the enemy.

The South African State is a force external to the oppressed and is ranged against them. It is perceived quite correctly to represent white privilege. It has always been highly interventionist in defence of capital and white privilege. Hence I say blacks generally perceive no difference between the South African state and the South African government. Both state and government are seen to be organised in defence of powerful monopoly interests and white privilege.

Incidentally, it might come as a shock to those who see De Klerk as a democrat and as one who has moved away from discrimination. An examination reveals that like his predecessors he has continued to pursue a policy of discrimination against blacks - despite protestations to the contrary. Take the example of education. Education is an explosive issue in South Africa. Over the last decade there has been a serious crisis on the education front. The causes are well known. But over the last three years in particular education for blacks has been on the verge of collapse - not because blacks refuse to go to school - but despite their willingness, the conditions are so appalling, the lack of facilities are so gross and the lack of books so widespread that normal schooling has become impossible in many areas. And yet, figures taken from an IMF survey published this year 1992, reveal that in South Africa (including the TBVC territories) the average expenditure on education per child by the State in 1990 was as follows:

Per White child R4087
 Per Coloured child R2408
 Per Indian child R3055
 Per African child R907

The ratio of spending on Whites to Africans was therefore 4.5 to 1. For every R1 spent on an African child, R4.5 was being spent on a white child.

9. FRAGMENTATION OF SOUTH AFRICA: BANTUSTANS

But let us return our focus to the South Africa State. Looking back it is clear that from 1950 onwards and as part of a deliberate strategy to divert and defeat democratic struggles, the regime commenced on a process of restructuring the South African state. To do this, it embarked on a policy of re-tribalisation via the Bantustan system and fragmentation.

The first stage of this development was the passing of the Black Authorities Act 68 of 1951 which authorised the President to establish black tribal, community, regional and territorial authorities in black rural areas to serve as local governments. The second stage was the establishment of a Legislative Assembly by the State President to replace the black territorial authority in a particular area. This was done in terms of the National States Constitution Act No.21 of 1971. At this stage such territories were called non self-governing national states.

The third stage was the conferral by the State President of self-government to the non self-governing national states complete with a flag and national anthem.

The final stage in the process was the granting of independence. The Status of Transkei Act 1976 made Transkei "independent". The Status of Bophuthatswana Act 1977, the status of Venda Act 1979 and the Status of Ciskei Act 1981 did the same for the territories mentioned.

These four Status Acts robbed over 8 million people of their South African citizenship and denationalized them. At the same time on the basis of ethnicity, different homeland citizenship was imposed on people.

To complete the picture and as part of its strategy in the quest to maintain the status quo, the government in 1982 introduced the tricameral constitution, in terms of which vast powers were vested in the State President with a subservient tricameral legislature - a dominant white chamber and a "coloured" and indian chamber. In the years since 1982 sustained campaigns for the boycott of elections to the tricameral parliament by "Coloureds" and Indians totally discredited and rendered illegitimate this tricameral monstrosity.

Today therefore South Africa finds itself in a situation in which the country is balkanized into the RSA, four so-called "independent" states and six non-independent self-governing homelands. Apartheid has also divided people into racial and ethnic groups leading to much suffering and death.

The international community has of course never given recognition to any of the Bantustans. Homeland independence was seen as a manoeuvre to deprive the people of South Africa as a whole of their right to self-determination. Any democratisation process in South Africa, therefore, necessarily involves the democratic restructuring of the South African state. Not only must the South African people be brought together and reunited into one nation, they need to be reunited into one country under a single democratic state, a state which would exercise sovereignty over the whole of its reunited territory.

10. DEMAND FOR REUNIFICATION (REINCORPORATION)

Part of the process of democratisation of South Africa therefore must be the reincorporation of the Bantustans. In this regard too, the ANC has found itself at variance with De Klerk's government.

The ANC has in line with the world community always held the view that the breaking up of South Africa into the RSA and Bantustans was illegal and illegitimate, that South Africa was one country and that therefore all the Bantustan territories must be regarded as part of South Africa.

The government holds a different view.

In the process the issue of restoration of South African citizenship to the people of the TBVC territories has become a major issue. The restoration or non-restoration of South African citizenship has serious implications. If the constitution-making process in South Africa proceeds without the restoration of South African citizenship to the people of the TBVC territories, then millions of people will be excluded from the process of constitution-making and in the transitional arrangements.

11. SOUTH AFRICAN GOVERNMENT POSITION

This presents no problem at all to the South African government which in any case envisages a constitution-making process which would in fact exclude the people of the TBVC territories. The South African government has persistently refused and still refuses to acknowledge what the whole world has said, namely that the breaking up of South Africa and the creation of homelands is illegal and illegitimate, and that its Bantustan policy was a denial of the right of South Africa's people to

self-determination. Not only does it continue to recognise as independent the TBVC states, it continues to prop them up financially, militarily and otherwise. It has consistently suppressed revolts in these territories. The South African government refuses to agree to immediate restoration of citizenship. It also sees reincorporation very differently from the ANC. Its view is:

1. that each of the TBVC states is independent in fact and in law.
2. that such independence must be recognised and accepted.
3. that each of the TBVC states should test the will of its people on whether they desire reincorporation or not;
4. that if such state chooses against reincorporation, such decision must be accepted and respected.
5. If such territory decides that it desires reincorporation, it should then negotiate with the Republic of South Africa (as at present constituted) for reincorporation.

It must be remembered that according to this view, each of the TBVC states will have to go through this process separately. It must also be remembered that simultaneously, whilst this process goes on in the territories mentioned, the people who are regarded as citizens of the RSA (excluding the people of the TBVC states) would be participating in the process of constitution-making for South Africa. It means that the people of the TBVC states will be expressly excluded from this process.

12. ANC POSITION

This approach to the reincorporation of the TBVC states and the creation of a single undivided South Africa is totally unacceptable to the African National Congress. The ANC view is that the Bantustan policy was illegal ab initio and therefore all the Bantustans must be reincorporated into South Africa. The ANC rejects the notion that there can be separate self-determinations for any of the TBVC territories. Self-determination in the view of the ANC resides in the people of South Africa as a whole and not in any section thereof or area thereof.

The ANC insists that the people of South Africa must have the right to participate in the process of constitution-making. This includes the people of the TBVC states. The ANC says that the citizenship of the people of the TBVC states was taken away arbitrarily and illegally and that South African citizenship should be restored immediately.

The issue of the immediate restoration of South African citizenship is important because in the ANC view, the body which must draw up and adopt the new Constitution for South Africa should be one which is elected by all the people of South Africa, in other words an elected Constituent Assembly. The S.A. Government's schemes to exclude people of the TBVC territories from participating in such elections is intolerable.

The restructuring of the South African state therefore must involve the reincorporation of the Bantustans, the reunification of all the territories which make up South Africa (excluding Walvis Bay) and it must involve the reunification of South Africa's people as equal citizens.

13. UNITARY STATE vs FEDERALISM

A major debate looming on the political and constitutional front is on the issue of the Unitary State vs Federalism. Both the structure of the State and the quality of democracy in our country is dependant upon a resolution of this debate. Both the governing National Party and the Democratic Party as well (and some other "system" parties) favour maximum devolution of power to regional and local levels. In their view this must be entrenched in a new constitution.

The ANC position is different. It insists that South Africa has always been a unitary state, that apartheid has divided South Africa's people and fragmented the country into homelands, group areas and the RSA as a haven of white privilege. A major task of the democratisation process is the reunification of the country and the reunification of its people.

What is more, the South African economy is dominated by giant monopoly and highly centralised private interests. A weak central government (as envisaged by the NP and DP) will make it difficult, if not impossible, for South Africa to embark upon a programme of addressing the legacy of apartheid as part of a national programme. Hence the ANC believes that a unified South Africa requires a strong and effective central government capable of dealing with the great tasks of reconstruction, of overcoming the legacy of apartheid and of nation building. But we also need strong and effective regional government to deal with the tasks of the region (especially development) and strong and effective local government to ensure active local involvement in handling local issues.

The ANC also believes that all such governmental structures - central, regional and local shall be based on democratic principles, popular participation, accountability and accessibility. A unifying South Africa shall not be an over-centralised, impersonal and over-bureaucratized country. The relationship between central, regional and local governments must be worked out on the basis of acknowledging the overall

integrity of South Africa and the existence of fundamental rights for all citizens throughout the country.

The ANC is totally against regions devised as a means of perpetuating privilege, ethnic or racial divisions along territorial zones. They should be based upon the distribution of population, availability of economic resources, communication and urban/rural balances.

National tasks would include external links and representation, defence and ensuring the basic security of the country, general economic, fiscal and tax policy framework and the furnishing of resources for eradicating racism and racial practices and for the tackling of the vast problems of education, health, housing, nutrition, employment and social welfare.

Regional tasks would include development and the carrying out of the basic tasks of the government at a regional level, bearing in mind regional particularities and resources."

CONCLUSION

In other words South African society needs to be restructured from top to bottom. There is need for transformation on political, social and economic levels. Government must be democratic in the universally accepted meaning of the term. It must be the government of the people by the people for the people.

26 MARCH 1992