

WORKING GROUP NO 2

THE MEANINGFUL PARTICIPATION OF POLITICAL MINORITIES

PREcIS OF VERBAL SUBMISSION BY C W EGLIN ON BEHALF OF THE DEMOCRATIC PARTY ON 24 FEBRUARY 1992

- 1. The DP sees both political minorities and political majorities as the product of citizens expressing their individual rights on a collective basis. As a consequence political minorities formed as the consequence of voluntary political association have no claim to "special" rights.

Likewise while headcounts are often used as a mechanism for taking decisions, the individuals forming a political majority have no "divine" right to rule over others.

- 2. The system of representative parliamentary democracy only works effectively in circumstances where a political minority or minorities have the opportunity and the real prospect of becoming the political majority from time to time - a form of "power sharing" by rotation.

Parliamentary democracy will not work if because of linguistic, religious, cultural, ethnic or racial factors political minorities are relegated to a positions of political impotence and have to endure the prospect of being permanent political minorities.

In such circumstances the pressures within the society become unbearable and on occasions are dealt with by such radical procedures as partition or the creation of a one party state.

- 3. The DP rejects both the concept of partition and of the one party state. It believes that the political pressures generated by the diversity of our population and the urge of citizens in political minorities to play an effective political role must be accommodated in an organic and holistic way bringing in all the structures of government and society into account. Important that access to executive power in the central government structures is, it must not be seen as the only mechanism for satisfying the urge for access to power.

- 4. Quite apart from the structures of Government three constitution mechanisms should be invoked to deal with the issue of granting access to power for persons who belong to political minorities.

- a) The multiplication of the "sites" at which power can be exercised. By creating a number of sites of power at national, regional and local level political parties which may be minorities at one level of government may well find themselves to be majorities in others.
- b) A Bill of Rights will not only guarantee individuals belonging to political minorities equality before the law and freedom from discrimination, but would also guarantee the right to freedom of association, speech and political mobilisation.
- c) Checks and balances in the constitution in addition to preventing an abuse of power would distribute power away from a single central authority.
- 5. The various structures of government, and of society should be used to deal with the urge from political minorities. While no single structure on its own can resolve this issue, the many structures taken together can make a meaningful contribution to resolving the minority/majority power equation.

a) The legislatures

The various legislatures functioning at regional and local level the legislature at national level could include the following elements where appropriate:

- i) A lower house where proportional representation would ensure minority participation as well as the right of minorities to use parliament and the electoral process as a basis for political persuasion and mobilisation.
- ii) An upper house elected through regions in turn ensuring the representation of minorities measured on a regional basis.
- iii) Special majorities, giving minorities a special say in matters affecting the constitution as well as such matters as language, religion, culture and fundamental rights.

In plural societies the democratic process often accords special electoral importance to cultural, religious or ethnic minorities.

e.g. Italians, Jews, Blacks, Hispanics, etc on a "balanced" ticket in New York

e.g. Mr Mandela stressing to the ANC the importance of the so-called "coloured" group in the Western Cape.

b) The Judiciary

As the judiciary must be both non-racial and impartial, and judicial appointments would be by an independent Judicial Appointments Commission individuals, irrespective of their political persuasions or indeed other factors, would have access to appointment to the judiciary at all levels. The judiciary would belong to the people as a whole and not merely to a "majority".

c) The Public Service

The Public Service and as well as parastatals and government boards and commissions would have to reflect the non-racial, non-sexist and democratic character of the State.

Appointments would have to comply with non-discriminatory provisions of the Bill of Rights. Individuals, whether from majorities or minorities would be able to "exercise aspects of power" through the public service.

d) The Civil Society

Power and influence are not exercised only through the political and constitutional structures but throughout the structures of the civil society - in, inter alia, labour, business, church, sport, cultural and community organisations.

The recognition of the diversity of culture, language and religion and the development of civil organisations in these fields will not only contribute to satisfying the urge for power and influence but will help to reduce the risk of these emotional issues becoming the basis for political mobilisation.

A vigorous civil society is an important agency for spreading power more evenly.

c) The Executives

The DP does not envisage a single all-powerful executive. Rather a range of executives operating at national, regional and local levels in terms of powers laid down and entrenched in the constitution.

Because of the plural nature of our society and the risk of ethnic political mobilisation the DP would like to see the emergence of executives that are broad rather than narrowly based.

It would prefer for these broad based coalition type of coalitions to evolve in a natural way. Indeed the DP is confident that when we have succeeded with our task of

nation building and have then eliminated some of the inequities of racially based apartheid, that this will become the nature of our politics. However, the DP believes that while South Africa is in the process of transition to entirely new political structures at all levels and is still both developing democratic conventions and cross-cutting interests it will be necessary to make provision in the constitution for "shared executives" drawn from the parties with proven support.

These "shared executives" should not be denigrated as "enforced coalitions". Nor should they be used to render government ineffective by imposing a "minority veto". Rather, they should be used as a mechanism for making the exercise of power as inclusive as possible and for encouraging the development of political cooperation during the formative period of our new South African democracy.

The exact nature of these "shared executives", as well as the length of time for which they should function and the procedure for phasing them out at some stage in the future, is a matter for negotiation.

The DP believes that by shifting the nature of our politics away from the struggle for dominance at a central site of power and by encouraging a multi-party rather than a two party approach to politics, South Africa will be able to do justice to the urge of political minorities for meaningful participation without doing violation to the democratic rights of people who form political majorities.