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COMMENT

Nitty gritty

THE draft National Party constitutional proposals published at the weekend help clarify areas of emerging consensus between the major parties, but also highlight the issues over which the real battle lines are to be drawn.

There is hardly any need for debate over principles such as proportional representation, an independent judiciary and a bill of rights, although there is obviously much detail which still needs to be resolved. This is the case particularly regarding a bill of rights, where the boundary line showing where human rights become inalienable has to be drawn very carefully. We fearfully suspect the NP and the ANC may discover more common ground on this question than may be good for the cause of individual liberty.

From detail available so far, it appears the NP has abandoned its pipedream of racial representation in one or other part of the legislature. If this is the case, it is a welcome development. It would leave as the most difficult issues to resolve those affecting the power of the majority party in the central government.

The NP has produced a constitution designed to ease the fears of minority parties. This it does, firstly, through a federal-type system, where nine self-governing regions each with equal representation in a second chamber would have some ability to block legislation passed by the first chamber. Secondly, the

proposals suggest an executive council of three to five people to replace the presidency, and a compulsorily multiparty Cabinet.

The creation of nine new "states" — based presumably on the country's nine development regions — would be merely to facilitate the decentralisation of power. Elsewhere in the world — the US, Germany and Switzerland — federal systems came into being as a way of uniting into a single nation a pre-existing collection of states with their own cultures, traditions and government systems. That is not the NP's motivation. The creation of such regional governments carries little advantage and could cause the same proliferation of bureaucracies as seen under apartheid. Devolution of power away from the centre remains highly desirable. But some other, less artificial, system is required.

The executive and Cabinet proposals seem equally unwieldy. Multiparty power-sharing may be good for a post-apartheid South Africa. But it may work better if it emerged organically — say because it worked well during a transitional period. It would also become necessary in the less likely event that the legislature becomes occupied by a large number of small parties rather than two or three large ones.

In general, though, by preparing these proposals, the NP is helping South Africans begin the complex nitty gritty debate on which a credible future constitution depends. The opportunity should be grasped by all concerned.