

BUSINESS DAY - 12/9/86

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Towards the end of the latest session of Parliament the whole process seemed to seize up like a car whose pistons refused to pump anymore. And that after we were given to expect that this extra session was going to be a "crucial one" with government tabling critical Bills about the constitutional future of the country. Earlier on in the year there was speculation that the special Federal Congress of the National Party would clear the decks for government to use this extra session of Parliament to put us all into a new gearshift towards the future. Instead, government came to Parliament with precious little to say and nothing to offer and all opposition parties agreed the situation was a farce and refused to give their co-operation. The deadlock was resolved by government agreeing to a special debate on the killings in Soweto and then closing shop. That was it.

The constitutional paradox which has always been part of Parliament in South Africa is now fully matured and cannot be resolved by hoping for a miracle to emanate from the ritual of Parliamentary procedure itself. It is this : the enduring legend of Parliamentary government is that it is representative government, reflecting the will of those governed and calling to account those who exercise this mandate. The social conditions under which this has to take place must allow for freedom of organization, movement and speech and the rules of the game must allow for fair competition between the contending parties vying for the support of the electorate. The paradox in south Africa is that those representatives in Parliament spend a great deal of time making laws and allocating resources that vitally affect the lives of the vast majority of people who did not, would not and cannot elect them to do it.

How to resolve this paradox? Obviously by extending constitutional government. But how to do that? This is where the rub lies and that is where, I fear, the reason is to be found for Parliament unceremoniously sputtering to a standstill. The man who has the formal job of resolving the paradox is of course the Minister of Constitutional Development, Mr Chris Heunis. The manner in which he apparently chooses to resolve this paradox, as well as the circumstances in which he has to do so, make it impossible for him and his government to be successful.

To understate the point, I think it is highly unlikely that constitutional government in South Africa can be successfully extended if the social circumstances which have to make this possible are absent or deliberately undermined. Consider the following : since 1984 we have a Parliament whose sovereignty, to say the least, is ambiguous, if not diffuse. Most of us rightfully suspect that final authority rests with an executive President who governs with a security establishment and where both are not subject to accountable Parliamentary procedures for all their actions. Major political organizations who cannot be represented in Parliament are banned and their leadership detained or in prison, and those who would wish to demonstrate their support for them or for other organizations outside of Parliament do not have freedom of organization, movement or speech and government has passed security laws giving itself the discretion to maintain or impose these conditions as it sees fit.

Against this background enters Mr Chris Heunis, determined to respect democratic procedures, promote negotiations and to seek consensus. But, he says, those who wish to enjoy the benefit of having constitutional government extended to them must accept that they can only do so within the involuntary context of a predefined racial group, i.e. as a legally classified Coloured, Asian, Black and White, and furthermore, must participate only within those racial constitutional structures which Mr Heunis and his government have created. Once they are prepared to do so, they are free to negotiate about their constitutional niche in society. The latest offering is called a National Statutory Council with the State President himself as Chairman, no less. The Bill that was going to give legislative content to this constitutional gem was what the extra session of Parliament was called for. But Mr Heunis did not table the Bill because those who were supposed to debate it did not represent those who were going to be affected by it and those who were going to be affected by it could not care less and were definitely not interested in the manner in which Mr Heunis and his government were interested in extending constitutional government.

The government is determined to resolve the paradox of Parliament by compounding it. Instead of extending constitutional government by creating circumstances in which consent can be demonstrated, they are deliberately making the manifestation of consent impossible. They insist that they want to talk to "real leaders", but will not allow "real leaders" to lead. The more they arrest, detain and ban the more they demand that people come forward and talk. Because they have destroyed consent, they perforce have to rely on coercion and co-optation. And those who are prepared to be co-opted under conditions of coercion are as useless for successfully extending constitutional government as those who have to decide for people they do not represent.

That is why the pistons of Parliament have seized. Parliamentary government, when functioning properly reflects the social conditions of society in which such a government is possible. To demand that Parliament be Parliament in social circumstances which contradict the very nature of Parliament is the same as comforting oneself with self-delusion. But to furthermore insist that such a Parliament under such circumstances can be an effective instrument to extend constitutional government, is to make of self-delusion an incurable pathology.

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