

THE SENATE:

The **Direct Democracy Forum** (the **DDF**) are committed to establishing an upper house of Parliament, drawn from the streets in a process called **Sortition**. The **DDF** call this house the **Senate**:

The **Senate** will be a Chapter Nine constitutional institution and process, that will take ordinary people who volunteer as representatives of their peers and who are then randomly selected from those volunteers, and inform them on the bills before the legislative assembly (the **DDF** call it the Lower House) and the regulations proposed by Cabinet. The Senate's duty is to reject or approve those bills or regulations, as a house or, if a bill is prejudicial to a particular group, have that group apply a veto, if they wish, or, if a prejudiced group is not represented in the **Senate**, any group acting on their behalf, will have the right to apply a minority veto.

The application of a minority veto will require the approval of the Senior Senators and the Constitutional Court to affirm that the application is relevant and significant.

The purpose is simple. Every bill and every regulation that the Lower House and cabinet propose, in addition to satisfying other Parliamentary and constitutional requirements, must meet two **Senate** criteria.

- The measures must have the overwhelming (80%) support of the **Senate**
- The measures must not prejudice the rights of any minority group.

In this way the **Senate** and Senators are exercising a form of direct democracy. It is from this direct democracy that the **DDF** derives its name - the '**Direct Democracy Forum**'.

General Principles:

The Senate is populated by a process called **Sortition**. It is a process of random selection, from amongst volunteer peer groups. The **Senate** as presently envisaged will consist of some 39 peer groups, across a range of social categories (the categories). Each peer group would have ten members, thus the **Senate** would consist of some 400 Senators. 'Categories' and 'peer groups' envisaged at present are:

8 Categories:

40 Peer Groups

- Age: 7 Peer Groups; 13 to 16, 17 to 20, 21 to 35, 36 to 50, 51 to 65, 66 to 80, 81+
- Culture: 6 Peer Groups; Zulu, Xhosa, Sotho, Mixed Cultures, European, Asian.
- Education: 6 Peer Groups; No Formal, Primary, Secondary, Tertiary, Graduate, Post Graduate.
- Gender: 2 Peer Groups; Male, Female.
- Income: 5 Peer Groups; Sub poverty, low income, middle income, high income, super income.
- Occupation: 7 Peer Groups; unskilled, skilled, artisan, professional, academic, student, home carers.

- Religion: 6 Peer Groups; Christian, Muslim, Judaism, Hindu, other, none
- Traditional Rulers: 1

This choice is not cast in concrete and can change (cf Categories).

Management:

The **Senate** will be managed by a management team led by a team of Senior Senators (who have served at least one term of office but are not currently in the **Senate**), hereinafter called the 'Senior Senators'. This role will be filled by members of the constitutional court in the first two years.

Categories:

The categories are not set in concrete and if other categories (say single parents) become a significant presence in society and are in need of representation, they can be included, without prejudicing the rights of any of the other categories. The Constitutional Court would determine changes to the make-up of the **Senate**, considering but not necessarily supporting proposals from the Senior Senators.

Selection Process:

All processes to select new Senators would be managed by the IEC under the scrutiny of the Senior Senators and the Constitutional Court.

Role:

The Senators cannot legislate or regulate. They can only approve or reject legislation and regulation presented for their consideration.

Decision Making:

The proposed legislation or regulation would be presented to Senators in a process called Deliberative Democracy. The Senators would discuss the proposals, probably in peer groups, with the aid of professional facilitators, with presentations from members in the Lower House or Cabinet who are for or against the proposals. This process would be under the scrutiny of the Senior Senators and of the Constitutional Court who would only participate as observers. Translators and mentors will be available to those who need assistance with their understanding of the material under discussion.

Terms of Office:

Each year, the longest serving half of the **Senate**, 5 senators from each peer group, will retire and be replaced by a new intake of Senators. Put another way, the **Senate** will only serve for one year in any one form and the following year will change its composition.

Each Senator will serve for two years before retiring, except for those in the first intake, of whom half, determined by lot, will retire after one year. Retiring senators will return to the general population without privilege or may be invited to serve as Senior Senators.

It is possible that retired Senators can serve additional terms in the same or different peer groups, from time to time. The selection process is random. If citizens volunteer a number of times and chance favours their selection, chance will appoint them again.

The rationale about the two year term is that if a Senator has to return to the general population in two or less years, the senator is going to vote with his or her own best interests in mind ***for when he or she returns to the general population***. By extension the Senators will also vote with the best interests of his or her peers in the general population in mind.

The rationale for replacing half the **Senate** each year is to encourage the presence of current opinion in the **Senate** and discourage undue external influence on serving senators while providing an element of continuity within the **Senate**.

Minority Veto:

If, for example, a proposal to "double tax all those with big noses" were passed by the lower house, even if the **Senate** passed the measure, the big nosed peer group would be able to veto the proposal. In rejecting the proposal the peer group senators act in the best interest of all their peers, in the upper house and in the general population, to which, remember, they will return, without parliamentary privilege, or protection from any stupid measure they enacted while in office. They will have to live with the consequences of the decisions taken by them when in the **Senate**.

Advantages:

The **DDF** believes that if such a **Senate** had existed in SA's past, much of the bad legislation that has been a feature of that history and indeed South Africa's present circumstances, would never have been, and much of South Africa's history, past and present, would have been very different.

Imagine: No disenfranchisement of South African's majorities. No Hijacking of the Union of South Africa's Senate (yes, SA had a dual house parliamentary system ([see here](#)) which was hijacked by the Nationalist Party from 1948 on), No Group Areas Act, No Immorality Act, No Separate Amenities Act, No Job Reservation, no Apartheid and, importantly for South Africa's young democracy, No Black Economic Empowerment legislation (which has served only the politically connected), No Protection of Information Act, No E-Tolling, and so on.

In step with all other **DDF** policies, we believe that we in South Africa can do better than we have been allowed to do. The **Senate** will enable that