

MINORITIES AND DEMOCRACY

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South Africa is not unique in having a number of minorities within it. Such entities are common in all countries. Moreover, an individual may simultaneously be a member of a minority and a majority according to which characteristics are used to define "minorities" and "majorities". e.g. historically, Indian South Africans have been part of the oppressed majority, but defined racially or ethnically they are a minority.

Most political organisations in South Africa and all the participants of Codesa have now rejected the suggestion that racially defined minorities should be accorded a special status in the constitution of a democratic South Africa. This rejection is implicit in the commitment expressed in the Declaration of Intent to establish a non racial non sexist democracy.

The ANC believes that the rich diversity of South African culture and language needs to be protected and promoted, and freedom of religion, expression and association guaranteed. However, constitutional mechanisms allocating special political powers to minorities are not an effective way of addressing minority concerns and may infringe on the fundamental principles that must underpin democratic systems.

* Democratic systems require institutions and practices that allow the fullest participation by citizens in the decision making processes. But however democratic the institutions, without an active and vibrant opposition, democracy will stagnate. Political minorities play a vital role as the opposition in legislatures and in society generally keeping the government of the day on the tracks of democratic rule.

Their crucial task is to present and articulate alternate views, thus sustaining an on going examination and debate on policies and programmes and influencing them. Opposition parties play an important role in exposing errors and corruption, challenging misrule and arbitrary actions of government and administration. Their role is a necessary one in a healthy democracy.

If every of most political parties were automatically drawn into government, we would be creating a situation similar to the one party systems that notwithstanding the best of intentions, experience has proved did not serve democracy well. The checks and balances in a constitution designed to prevent an abuse of power would eventually become inoperable/disfunctional.

* The system of proportional representation allows all political parties with a certain minimum support to secure representation in the legislature.

Requiring governments to operate by consensus among a number of parties would effectively give the minority parties a veto over the views of the majority. Not only would this weaken and make the exercise of executive authority ineffective, but would also lead to constant friction and confrontation as the majority would find its aspirations constantly thwarted. The resulting antagonism and increasing hostility towards the minorities would in fact undermine the very purpose for which the suggestion of participation of political minorities in government was initially proposed.

Furthermore, unless they are racially or ethnically based, minorities are not static. They form alliances with others with whom they share particular interests. A democratic framework allows minorities to communicate their views freely and mobilise support, and leaves open the way for such minorities to grow and gain sufficient support in elections to become the government.

It is only when minorities define themselves in ethnic or racial terms that they close the doors to such growth and development. Political minorities on the other hand, are by definition groups united by shared interests and hence have the inherent capacity to expand or contract.

Given, that individuals may be part of more than one minority, special representation in government for minorities, howsoever defined, would lead to double or treble representation for some citizens as against others, and also run counter to the principle of equal representation for all through a franchise based on votes of equal value.

However, provisions for minority participation in other ways would not necessarily do so. Minority parties could be represented on All Party Committees of the legislature scrutinising legislation and appointments, and could serve on a number of other Boards and Commissions as of right, including the Electoral Commission.

* Cultural and other rights are in our view best protected through a justiciable Bill of Rights that vest such rights in each citizen. To allocate them to groups would be to assume that all South Africans should be or wish to be assigned to particular groups, and to exercise their rights only as members of such groups. This would infringe on the right to freedom of association.

It would not be inconsistent with democratic principles to go further than merely protecting such rights. A duty could be placed on the state to promote them, but such an obligation would need to be limited by provision for judicial assessment of what would be "reasonable to expect of the state."

* Orgs. civ. society; it to be heard.