

**CODESA WORKING GROUP 2 : S A GOVERNMENT
COMPARISON OF THE DIFFERENT PROPOSALS SUBMITTED
ON MINORITY PROTECTION**

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1. AFRICAN NATIONAL CONGRESS

- 1.1 The diversity of languages, cultures and religions of the people of South Africa shall be acknowledged¹.

2. CISKEI GOVERNMENT

- 2.1 Minority groups tend to be excluded from participation in Government, leading to alienation between such groups and the central state authority².

3. INYANDZA NATIONAL MOVEMENT

- 3.1 The diversity of languages, cultures and religions of the people of South Africa should be acknowledged³.

4. INKATHA FREEDOM PARTY

- 4.1 Since South Africa is a pluralistic society, political, social and ethnic pluralism shall be protected and promoted. national, linguistic, cultural and native identities, practices and traditions shall likewise be protected and promoted. Special attention shall be given to the needs and aspirations of indigenous peoples⁴.

1 African National Congress: Constitutional Principles

2 Ciskei Government: The balance between central, regional and local government. Disadvantages of centralised government / a unitary system, p2

3 Inyanza National Movement: Fundamental Constitutional Principles, p6

4 Position Paper of the Inkatha Freedom Party for submission at the CODESA meeting of February 6 1992, p2

5. LABOUR PARTY

- 5.1 This will have to be fulfilled in a unified state with the recognition of regional, cultural and language diversity, and voluntary cultural association. The constitution should not tolerate cultural or language groups pursuing their aspirations in a way that is harmful to the interests of other cultural groups or the nation as a whole⁵.

6 NATIONAL PARTY

- 6.1 The diversity of languages, cultures and religions should be acknowledged. The constitution must recognise and accommodate this diversity⁶.

7. NIC/TIC

- 7.1 All minorities shall not be discriminated against, deprived in any way, or prevented from participation in social, economic, or political life or from participating fully in the organs of state or government merely because they are such minorities, except where affirmative action is applied. The Bill of Rights shall guarantee cultural, linguistic and religious freedom and security. Minorities should, on the other hand, be entitled neither to any special economic or political privilege, nor to any veto, by reason of being a particular minority⁷.

8. SOUTH AFRICAN COMMUNIST PARTY

- 8.1 The entrenched protection of cultural, language and religious rights of every individual⁸.

5 Labour Party of SA: General Constitutional Principles, p2

6 National Party: Constitutional principles which should be enshrined in a new constitution for the Republic of South Africa, p2.

7 Draft Proposal by NIC/TIC.

8 Position Paper of the South African Communist Party on the First Assignment of the terms of reference of Working Group 2, p1.

- 8.2 The nature and extent of constitutional provisions relating to the participation of political minorities in the legislative and executive structures of government.

Our Position

Codesa should not prescribe the entrenchment or institutionalisation of political power sharing (enforced coalitions) between political parties as a principle to be enshrined in a future constitution.

The protection of political minorities will be sufficiently addressed by:

- * A system of proportional representation which will guarantee representation to political minorities who obtain a minimum percentage of votes.
- * By the requirement of special majorities to adopt or amend a justifiable constitution and bill of rights (including provisions relating to the powers of regional entities).
- * The issue of political power sharing in any transitional executive structures leading up to the adoption of the future constitution remains negotiable⁹.

9 SOUTH AFRICAN GOVERNMENT

- 9.1 The constitution must provide for mechanisms and structures that will ensure meaningful participation of political minorities in government at the levels relevant to such minorities¹⁰.

10. SOLIDARITY PARTY

- 10.1. Minorities should be protected by the principle of inclusivity at all levels of government¹¹.

9 Position Paper of the South African Communist Party on the First Assignment of the terms of Reference of Working Group 2, p2.

10 General Constitutional Principles which should be enshrined in a new constitution for the Republic of South Africa

11 Solidarity's Draft Constitutional Principles for a New South Africa

11. TRANSKEI GOVERNMENT

11.1 The diversity of languages, cultures and religion of the people shall be acknowledged¹².

12. UNITED PEOPLE'S FRONT

12.1 The constitution shall acknowledge and guarantee the diversity of cultures, languages, own community life and education and religious freedom of the people of South Africa¹³.

13. VENDA GOVERNMENT

13.1 The diversity of languages, cultures and religion of the people of south africa shall be acknowledged¹⁴. Our view is that language, cultural and religious interests are best accommodated by their protection in an entrenched and justifiable bill of rights¹⁵.

13.2 It is our view that the protection of political minorities need not be constitutionally entrenched¹⁶.

13.3 It should therefore be pointed out that the question of political minorities can only be satisfactorily resolved in a democratic political framework in which human rights and fundamental freedoms, equal rights and status of all citizens, the free expression of all and the implementation of legal rules that place restraints on the abuse of governmental power are fully recognized and entrenched in the constitution¹⁷.

12 CODESA Transkei's inputs to be presented to CODESA Working Groups of February 6, 1992, p19

13 United People's Constitutional Principles. Presented to CODESA Working Group 2 on 17/02/92, p2

14 Venda Government: General Constitutional Principles, p2

15 Venda Government: Key issues to be addressed, p2

16 Venda Government: Key issues to be addressed, p2

17 Venda Government: Key issues to be addressed, p2

14. XIMOKO PROGRESSIVE PARTY

- 14.1 On the matter of group autonomy it is the view of the Ximoko progressive party that the pursuit of group autonomy as an option within the context of a nation state is divisive and also impractical where groups are not geographically concentrated in regions which constitute functional economic and administrable entities. The Ximoko progressive party accepts the international convention that self determination of groups within a nation state is not an unqualified right but rather a matter for negotiation, provided that the basis for such negotiation will be that self-determination of any group will accord with and advance the cause of democracy and will not adversely affect the interests of the people of South Africa in general¹⁸.

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¹⁸ XIMOKO Progressive Party Statement of Constitutional Principles and Tenets, p2