



# **DEMOCRACY AND DIVERSITY**

## **EXPERT CONSULTATION REPORT**

**26 - 27 November 2008  
Pretoria  
South Africa**



*Democracy And Diversity Expert Consultation Report*

*Are we what are made to be or do we choose what we are?  
We choose who we are within what we are made to be  
Jean-Paul Sartre*

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## **EXECUTIVE SUMMARY**

### **Background and Purpose**

International IDEA began to address the relationship between democracy and diversity management at a Round Table held in Oslo in June 2007 in tandem with the annual meeting of its Council of Member States. By way of follow-up it was proposed that IDEA begin to explore further the issues in focus, and to identify what its specific contribution might be in this area. A new IDEA project, of which the Pretoria consultation is the first step, is developing in response to this proposal.

It is important to note several features that inform IDEA's overall approach. First, when addressing any key thematic issue of democracy-building IDEA attempts to distil comparative international experiences – in this instance of emerging democratic frameworks for managing human diversity – and to use the resulting analysis as the basis for developing policy-directed proposals and recommendations. Second, IDEA focuses primarily on democratic processes and institutions rather than value-based/ philosophical debates and discussions.

Finally, it accords particular priority to experiences in the global South, which have been noticeably absent from recent research and literature on diversity management. More specifically, IDEA's approach is informed by the broad hypothesis that the experiences of the global South, where human diversity has generally been an integral historical feature of the political and social landscape, deserves to be given particular attention in this context.

The overall outcome of the Pretoria consultation was to begin to develop a set of practical diversity-related approaches and tools. As a next step a series of regional consultations are envisaged as a means of deepening engagement with the range of contextual diversity-related issues and challenges.

### ***Historical Overview***

Historically, varying definitions of the notion of the 'nation' have endured. Two key events heralded the advent of the modern nation-state; the American (1776) and French (1789) Revolutions. Both saw the emergence of beliefs in the sovereignty of the people united under a legal system underpinned by a written constitution. Although issues of social inequalities and cultural diversity complicated the political-legal model in both the American and French cases, both nations used notions of linguistic uniformity to cement the nation.

Since the end of the Cold War a more complex world has emerged, characterized by increasing diversity, related reassertions of national identities and the construction of new forms of state control. Traditional notions of nations and citizens developed in the West and exported around the world are being increasingly questioned. In the context of democracy, understandings of citizenships are changing as people come to view civic engagement and participation as more effective means of achieving social change than traditional forms of political representation.

Political institutions are having to adjust in order to accommodate hitherto marginalised communities more effectively within democratic processes. As nations increasingly come under the influence of global population flows and transnational networks, the issue of cultural diversity becomes ever more crucial. In addition, notions of 'globalisation from below' are gaining currency and are increasingly viewed as a basis for viewing diversity as an opportunity and strength within societies. Cultural diversity, diaspora communities and transnational networks create social benefits, thereby bolstering the argument that promoting and accommodating cultural diversity within democratic societies makes both economic and moral sense.

### ***Secularism: perspectives from the global South***

Western conceptions of secularism are shaped by a context of predominantly single-religion societies. In recent times, however, this conception of secularism and the strategies that flow from it have increasingly come under severe strain. This is largely due to intensified globalisation and the migration of millions of people into the metropolis from former colonies. One consequence has been to bring to the West a form of deep religious diversity. It is in this context that the model of secularism developed in the sub-continent, especially in India, provides an alternative conception that offers lessons for how the state can respond to deep religious diversity.

When India became independent it was deeply conscious of the two types of domination; *intra-* and *inter-*religious domination. This created the need to ensure that whatever secularism was employed in India met the needs of a deeply religiously diverse society while also complying with the principles of freedom and equality. Hence, within the Indian model there was never a time when people felt that religion should be banished from the public sphere; and this fact was critical to the manner in which the Indian Constitution was shaped. In responding to the complex and religiously diverse context of India, the position of non-establishment was taken in order to ensure that all citizens could identify with the state.

The Indian model adopts the concept of *principled distance*. This concept entails a flexible approach to the question of inclusion/exclusion of religion and the engagement/ disengagement of the state. It allows, for example, that a practice that is banned or regulated in one culture can be permitted in the minority culture because of the distinctive status and meaning it has for its members.

The Indian approach enables value-based pragmatism as the boundaries between state and religion are porous. The state can intervene in religions, to help or hinder them. This is reflected in the multiple roles the state may take in relating to religion. The practice of contextual secularism requires a model of moral reasoning that recognises that the conflict between individual and group rights cannot always be adjudicated by recourse to general or abstract principles. The Indian model accommodates the fact that there are many values and instead of choosing one or the other, encourages you to choose *both*. This commitment to multiple values, principled distance and contextual secularism means that the state tries to balance different, ambiguous but equally important values. This in turn makes it possible bring together seemingly incompatible values - a great and important strength of Indian secularism.

## **Regional Perspectives**

### **Southern Africa**

Discussion of approaches to managing diversity within nascent democracies on the African continent is located in emerging trends within African Peer Review Mechanism (APRM) processes. These consistently indicate that in countries that have been reviewed thus far, the issue of managing diversity is consistently identified as one of the foremost challenges.

Across the continent, a key democratisation challenge to date has been the institutionalisation of democratic institutions and the weaknesses therein. Because of these weaknesses, many African countries have not been able to develop democratic governance and respond appropriately in, for instance, situations whereby democratic institutions are undermined or come under threat. An additional negative factor is the fact that gains made in political freedoms have not translated into improvements in the quality of lives of many Africans. The current socio-economic picture and related future prospects are fertile ground for conflicts along ethnic, religious, racial and other grounds as competition for resources increases.

African countries' attempts to manage diversity hitherto have been unable to curtail peoples' inclination to revert back to their comfort zones i.e. ethnic groups and affiliations in times of severe resource competition. Given the various prevailing forms of diversity and

the manner in which it manifests itself, robust engagement on the issue is required. In reality, however, this has not been the case and in most instances to date, the response to challenges has largely been to try and avoid the issue.

Across Africa the constitution has been used as the basis for ensuring inclusivity and diversity management. Thus far, it appears that democratic systems of governance have been most effective at managing diversity. A common feature across most constitutions within southern Africa, for example, is that they all provide for an inclusive political nation and safeguard against discrimination. The main challenge, however, is not the normative frameworks, but the institutional and political arrangements that enable major societal divisions to be moderated and reconciled in practice. In the context of Southern Africa, moreover, migration and refugee populations are additional factors that exacerbate the complexity inherent in diversity management.

It can be expected that as Africa continues to democratise, the challenges of managing diversity will only increase given that the institutionalisation of democracy will bring about increased citizens' demands for inclusion and equality. The previous tendency to avoid dialogue on ethnicity, race and diversity in the name of 'national unity' will become more problematic, as evidence suggests that managing diversity effectively is becoming a critical feature in successful democracy-building efforts at national and regional levels.

### **Latin America**

In Latin America diversity is the norm. Since the 16<sup>th</sup> century the continent has experienced widespread migration of populations of varying origins, ethnicity, culture and language. Some of these population movements were characterised by the violent and systematic eradication of indigenous people and practices. While this was not always the case, it shaped the manner in which colonialists related to the region and formed states. Another significant result of the historic process of migration is the co-existence of 500 indigenous peoples and - due to the mixing of different peoples - new 'hybrid' cultures within the continent. This has in turn necessitated an acknowledgment of diversity and a need to develop political and legal structures designed to eliminate exclusion and racism.

Since the second half of the 20<sup>th</sup> century indigenous movements have evolved to a state of maturity whereby they are now engaging in the shaping of reformed, contextually-relevant democracies. The current 'eruption of diversity', the recognition of multiple identities reflected in, for example, the constitutions of Bolivia and Ecuador, has created scope for a new way of relating to indigenous people, as well as recognition that there are systems of political organisation not necessarily known to or legitimised by western power structures.

Despite the significant progress achieved since the colonial period, however, numerous challenges remain. As in other regions, the normative acknowledgement of indigenous government systems and recognition of diversity has not been easy to apply and institutionalise in practice. Latin American countries maintain strongly diverse populations and are on varying paths in terms of responding to this diversity. At the same time, many Latin American countries' socio-political and administrative configurations do not respond effectively to this multicultural reality. Instead, they reflect a non-existent homogeneity that is ethnocentric and mono-cultural. This creates a permanent contradiction with the population to whom they are meant to deliver services, and breeds an environment for negative inter-cultural relations.

The necessary arrangements for encouraging peoples of different cultures to co-exist remain distant, and their absence continues to be a major concern for Latin American countries. Without effectively addressing this issue, moreover, it will be very difficult to achieve democratic consolidation and legitimation. Overall, Latin American states must initiate processes that will result in the decolonisation of the public apparatus and its replacement with a structure that is responsive to the characteristics and needs of a diverse population.

## Thematic Perspectives

### Diversity and Governance

The APRM mechanism focuses on four broad areas; Democracy and Political Governance; Economic Governance and Management; Corporate Governance; and Socio-Economic Development. Since its inception, 29 African countries have acceded to the APRM. Of these countries 15 have launched the process of implementing the review and 9 have concluded them. In 2008 alone four country reviews were conducted and it is envisaged that if this pace is sustained, all 28 member-countries will have been peer reviewed by 2013 or 2014.

The APRM Country Review Reports highlight 'cross-cutting and overarching issues'. To date approximately 20 such issues have been identified. A Heads of State Summit held in Cotonou in October 2008 focused on the following issues:

- Managing Diversity and Xenophobia
- Elections in Africa
- Resource Control and Management of Land
- Corruption
- The *Gacaca* Court System of Rwanda

Across the countries that have been peer reviewed thus far, managing diversity has emerged as *the* foremost overarching and urgent issue. In developing responses to the challenges of diversity, the APRM approach is premised on a number of assumptions. First, African societies are characterized by various forms of diversity that manifest in ethnic, tribal, cultural, linguistic and religious terms. Secondly, diversity is a double-edged sword. On the one hand, it constitutes a huge reservoir of talents, traditions, skills, enterprise and experience that could - if appropriately managed - serve as an important building block for societies. On the other hand, it is potentially destructive as it can provide the ingredients for insecurity, destruction of lives and property and retardation of development.

Globally, various instruments have been used to accommodate diversity. These include:

- Electoral representation, either through proportional representation or the reservation of seats on ethnic electoral rolls;
- Political representation via the establishment of councils of minorities to be consulted on legislative bills or policies of special relevance or interest to minorities;
- Territorial autonomy/devolution giving control over local affairs and resources;
- Ethnic balancing through constitutional provisions whereby cabinet posts and appointments to key government positions reflect both geographical spread and ethnic diversity;
- Recognition of minority languages as national or official languages.

It may be useful for African countries to consider adopting and adapting similar approaches. Consideration should also be given to strengthening sanctions against ethnic incitement and deliberate anti-diversity political gerrymandering.

### Diversity and Federalism

Indian plurality and diversity is not something to live with, accommodate, manage or tolerate: rather, it constitutes and defines individual self-identity. Diversity should not be treated as a counterpoint to unity or something that needs to be managed by finding a unifying thread. The tendency is to treat diversity as a cause of conflict, something that represents a lack of order within society, which in turn leads to a search for unity based on homogeneity

and commonality. It is precisely the increasing discomfort with multiple identities and the desire to create a false sense of unity around the nation-state that is the roots cause of most conflicts in India today.

Even in a democracy the sovereign nation-state construct is problematic because concepts of national unity are fundamentally destructive of diversity. A completely new architecture of democracy is needed built on the foundations of diversity. The nation-state construct and its internalisation is the biggest stumbling block to the development of such an architecture. Prevailing notions of pre-colonial India are false and misleading. In reality, the idea of India was as a network of complex and diverse relationships. There was no need for a 'nation-state' as the people of the sub-continent had a sense of nationhood within the context of their diverse area/state.

Gandhi had a profound grasp of how plurality and diversity paradoxically constituted Indian unity. As late as 1946, when asked to give a picture of independent India he said that independence must begin at the bottom. Gandhi recognised that thousands of federal pluralist states were not a threat to India but actually strengthened it. Plurality and diversity would be the unifying elements, within the context of a subsidiarity framework, and therefore would reinforce and unify the republic. The Gandhian vision and blueprint for the ultimate federalist vision made the whole concept of nation state and national sovereignty irrelevant.

Caught up in the prevalent notions of a modern welfare state, and fearful of what they perceived as fissiparous tendencies that in the absence of a strong federal union could potentially lead to the breakup of the federation, India's constitution-makers created a new federal structure. Much of the contemporary federalism debate is trapped within the state/nation-state framework. It thus becomes focused on the question of who accommodates whom? This in turn leads to a situation where the state focuses on perpetuating itself, and the opportunity for federalism to provide other forms of governance is negated.

## **Diversity and Migration**

Over the past few centuries there have been vast increases in population movements, and hundreds of millions of peoples now live outside of their countries of birth. In this context migration has become a cross-cutting issue in terms of trade, politics, human rights and so on. Human security issues have become critical in determining whether or not people move from their homes.

There have been major migratory movements in the southern African region, notably in response to the demand for labour. In recent times there has been more movement to South Africa due to its standing within the continent and migration from rural to urban areas due to economic and human security pressures. Migration within South Africa combined with movements within the southern African region and of Somalis and Ethiopians has created internal pressures that led to the recent eruption of xenophobic attacks. Politicians reflect a commitment to diversity but the ability to make it happen institutionally, through government systems and structures, remains a serious challenge.

## **Country Perspectives**

### **South Africa**

There are two key features of the post-1994 period: initial/transitional arrangements and the long-term looking beyond it. The most significant challenge of the transition period was dealing with deep racial divisions and the institutional arrangements that had facilitated



apartheid. In response a Government of National Unity (GNU) was put in place, with any party that gained more than 5 per cent of the votes guaranteed a place within the GNU.

The next key aspect of the transition was the establishment of a Truth and Reconciliation Commission (TRC), on the basis of the view that full disclosure of past misdeeds was essential to building reconciliation and forgiveness within society. During this period electoral laws were restructured to ensure inclusivity, for instance through bringing in proportional representation measures. 15 years later, it is questionable if this remains a mechanism for ensuring accountability.

In South Africa the situation was - and to a certain degree remains - one of dual centres of power. Although the new black majority party (the ANC) has political and state power, the cultural and economic space remains dominated by the country's former rulers. In such a context discourses on diversity inevitably have to take into account the duality of power. In reviewing mechanisms such as Black Economic Empowerment (BEE) that have been put into place to facilitate redress and distribution, it is now apparent that only a small percent of the previously disenfranchised have benefited. Increasingly, language and heritage issues have also become contentious issues.

Another emerging challenge relates to social justice and the need to be seen to be making democracy a reality for citizens. The defence of democracy is directly linked to the extent to which people experience it as functioning in practice. Recent protests have occurred in informal settlements, the poorest communities in South Africa. It is clear that the issues of class and contestation for scarce resources are increasing in importance, and if such contestation is not responded to effectively the defence of democracy will become more difficult.

The issue of identity also continues to dominate and remains unresolved. In part, it is exacerbated by attempts to be 'polite' and not speak about it as this also brings accusations of taking people back to the past. As a result, race and identity and thus diversity are often not spoken about in public spaces. However, the recent resurgence of racial incidents reflects the fact that the notion of the 'South African Miracle' or Rainbow Nation may lend itself to perpetuating a continued discomfort with confronting the racial issues still pervasive within South African society.

Bold steps were taken in the South African experiment with social engineering and dealing with diversity. While the best frameworks and institutions may be in place, their ability to deliver and to be seen to be delivering to communities and reflecting social justice will determine the ability to deepen democracy and respond to diversity issues.

## **Bolivia**

Diversity in the Bolivian context is not a novelty but a challenge. Since the establishment of the Constituent Assembly (2007) multicultural issues have gained prominence and debates on these issues have gained in strength. During the last three decades, national and international institutions focused on the issue as a central point of political debate. Although neglected until the 1952 revolution, indigenous people have since recovered pride in their legacy and begun contesting the Bolivian state's lack of attention to their issues. The inclusion of collective rights for native ethnic groups has been reasserted. Moreover, challenges regarding the rights of ethnic groups should be viewed in the context of the high poverty levels experienced by the majority of the Bolivian population.

This logic of multicultural diversity is not new in Bolivia and in fact, is present and accepted in every national cultural manifestation. The understanding of diversity has allowed highly diverse conceptualizations to come through. A key topic in this respect has been linguistic pluralism. The current attempt to promote a new Constitution must be understood within a historical context: to date Bolivia has had 18 constitutions and numerous related reforms. The last reform (1994) established new, previously prohibited mechanisms for participative

democracy and new forms of political representation. Since then, Bolivia has entered into a political trajectory that cannot be understood from the standpoint of traditional constitutionalism.

During the 1990s, Latin American neo-liberalism incorporated policies of multicultural recognition. This was seen in Colombia (1991), Peru (1993), Ecuador (1998) and Venezuela (1999), all of which took decisive steps that contributed to re-energising the Latin American constitutional debate, particularly in relation to indigenous people. The recognition and acknowledgment of the existence of indigenous people was consolidated, along with recognition of their human rights and the dignities entrenched therein.

In many ways, the indigenous movements of the Latin American continent, but especially in Bolivia and Ecuador, opened up a debate that rediscovers the political functions of the constitutions with respect to classism, patriarchy, colonial continuity and social discipline. In an act of political appropriation, in 2007 the National Assembly put forward a political Constitution based on the reality of the national situation. Key changes reflected in the new Constitution include Article 1, which defines Bolivia as a multinational state characterised by 36 indigenous nations. This in turn enables the inhabitants of rural areas (i.e. indigenous, natives or peasants) to have their own institutional mechanisms for effective coexistence.

This entire process is an exercise that requires a radical critique and paradigm shift in social and institutional practices. It aims to generate new institutional processes, such as the election of judges through direct vote, previously unknown in Bolivia. It is a step towards *egalitarian democracy*, regarded by many as qualitatively superior to participative democracy.

A note of caution, however, regarding the future is also necessary. If the Bolivian constitutional project is seen purely as a means for competing interests to 'score political points' then it will not succeed. Prevailing political struggles must be managed so that the acceptance of diversity no longer evokes conflict and tensions but instead, positive coexistence and radical transformation for all Bolivians.

## **CONCLUSIONS**

**It was broadly agreed that IDEA can add value by gathering and distilling comparative experiences of diversity management within a democratic framework.** This will be taken seriously, but choices regarding which countries and regions are to be assessed will need to be made.

**There is a need to look at democratic institutions from a process perspective, and to assess their performance on the basis of an identified set of values - *inclusivity, participation and representation*.** In this context it will be important to ensure that there is particular sensitivity to the gender dimensions involved. Adequate attention to the role of traditional and customary institutions in promoting a heightened sense of diversity will also need to be built into the analysis.

### **Additional recommendations**

- ***There is a need to identify strengths and weaknesses of the law in order to identify its optimal utility within the context of the democracy and diversity debate.*** Caution regarding an overemphasis on 'mine' and 'my group' and the implications in terms of where it places people, i.e. the entrenchment of otherness is required. It is important to remember that for every right there is a corollary of duty. The African Charter of Human and People's Rights mentions group duties, and this may be worth further exploring.
- ***The way forward must consider redefining democracy from a socio-economic perspective.*** To date, the instruments of democracy have not had sufficient impact on

the majority of Africans' lives, and a key problem remains the manner in which democratic governance is carried out in practice.

- ***The politicization of rights and the ways in which political culture is constructed needs to be analysed more closely.*** There is a need to spread the notion of building democratic societies more widely: the state alone cannot be trusted to build democratic societies as this feeds into the politicization of identities. There is a need to think about democratic principles both as individuals and as individuals within groups. This point is especially important in the African context, as there is a tendency to expect institutions to 'deliver the goods' and to forget about what individuals need to do in order to compel institutions to respond to both their demands and duties.
- ***Diversity came before democracy, and democracy has never fully understood how to deal with it.*** Priority must be given to studies on inter-cultural conflict management, as culture is not static and constantly requires fresh, contextualised understanding. Existing studies of conflict management are generally not conducted from an inter-cultural perspective. Comparative study of indigenous political systems at the national and regional levels is always worth considering seriously.
- ***Addressing processes is just as important as addressing institutions in relation to diversity management.*** The Indian idea of 'value-based pragmatism' should be given greater attention. The idea of the 'abstract citizen' is flawed as there is no such being in practice. Overall, there is a need for flexible pragmatism and to address 'vulnerable identities'.
- ***The structure of rights means that people have a reciprocal duty to protect each other's rights.*** In addition to the duties entailed by rights are there others which should be looked at? Identities are more given than they are chosen – they are linked to pasts, histories and collective memories. Fluidities in identities are not as easy as they sometimes appear. It is also important to remember that even when people try to relinquish or move between identities, others may not allow them to do so in practice.
- ***The increased search for national narratives in response to the sense of breakup experienced by many countries and to post-9/11 'war on terror' rhetoric cannot be ignored.*** The (re)-construction of new/old national narratives in response to increasing diversities within societies is an increasingly visible political strategy, and as such should be reflected in the IDEA project. If inclusive national narratives are not developed, there is a real risk of their being usurped by the worst kinds of political forces. In practical terms South Africa offers a concrete example of how a new national narrative can be developed inclusively – in contrast to Europe, where such narratives are often built on the basis of fierce exclusion of 'the other'.
- ***The theory of the nation-state must be revisited as it remains overly focused on state institutions.*** Possibilities to create spaces for multi-level federalism and decentralisation-centred approaches should be explored. The link between national narratives and the idea of the nation-state should not be taken for granted – it is critical that the shaping of national narratives is not driven by or directly linked to the notion of the nation-state. Federalism is an expression of identity, and an approach focused on linkages between democracy, diversity and federalism should perhaps be placed centre-stage.
- ***The conditions of democracy are not created automatically and the state's role in creating those conditions cannot be ignored.*** The State is the foremost – if not the only - entity that produces and reproduces the conditions for democracy. Hence, the attitude towards the state should be one of vigilance: we have not as yet imagined something to replace the state and in important respects thus remain dependent on it.

## OPENING REMARKS

### **Margot Gould, Africa Programme, International IDEA**

International IDEA is an intergovernmental organisation with 25 Member States across the world. It is the only inter-governmental organisation with the mandate to build democracy around the world. As such, IDEA focuses on work in thematic areas such as elections, political parties, gender and democracy. IDEA implements various programmes within these thematic areas in Latin America, Asia, the Arab world and Africa and it currently has emerging programmes within the areas of *Democracy and Development* and *Democracy and Diversity* programmes.

IDEA's approach towards implementation is unique in that it applies comparative knowledge and experience from across the world and therein looks at models and options for supporting democracy and developing capacity within its various thematic areas. This approach includes building networks of peers and experts so as to build a global philosophy on democracy across the world. The use of comparative knowledge and regional experiences is also used in influencing policy and politics through putting forward a set of core values on how best to strengthen democratic practices and processes. IDEA believes and acts with the ethos that although the elements of democracy are universal, democracy must be home grown and hence, the national context is critical.

Within its work in Africa, IDEA has various projects underway, of which two are particularly of note. The first project focuses on building a working relationship with the African Union (AU), which is reflected through a five year Joint Action Programme (JAP) between IDEA and the African Union Commission, Political Affairs Department. Key areas within this programme include:

- democracy and human rights;
- culture of democracy and peace and the use of democracy as a tool for managing and promoting peace;
- strengthening democratic institutions such as political parties;
- democratic elections, and specifically, support to the Elections Unit within the Political Affairs Department and capacity building for election administrators;
- political, economic and social governance, such as the development of citizen-led democracy assessments at local and national levels, which will then serve to compliment the APRM; and finally
- support to the implementation of the African Charter on Governance, Democracy and Elections.

The second major project is being implemented in Sudan and has been underway for the past two years. The project focuses specifically on strengthening the capacities of the six major political parties and providing practical support in their preparations for participation in the elections envisaged to take place in 2009.

### **Mark Salter, Democracy Assessment and Analysis (DAA) Programme, International IDEA**

The conception for this expert consultation emerges from discussions that took place at the June 2007 IDEA Roundtable on Democracy and Diversity, in the context of the Meeting of the Council of Member States. It was in this Council meeting that the specific request was made that IDEA begin to explore the way interaction between democracy and diversity and more critically, what IDEA's contribution could be in this regard. This consultation is therefore held as a direct response to this request and focuses on identifying the specific focus and scope for a possible 'democracy and diversity' project. The consultation aims to provide a platform for sharing and exchanging experiences with the view of pointing to specific ways in which IDEA can take forward the issue of the role of diversity in democracy.

In beginning to explore the possibilities for engaging within the terrain of 'democracy and diversity' it is important to note several features that will inform IDEA's shaping of such a

project. First, when addressing any key thematic issue, IDEA attempts to distil comparative international experiences with developing democratic frameworks for accommodating diversity to in a second step use the analysis as basis for taking forward policy directives.

Secondly, IDEA believes that the central focus and drive must be on democratic processes and institutions, and not the value and philosophical issues. In short, attention should be given to democratic processes structures and institutions that have been shown to further the objectives of accommodating diversity.

Third, IDEA wants to ensure that it focuses on experiences in the global South; an element that is contrary to the current tendency in literature which has been to have a strong northern bias. This bias is further reflected in the implicit assumption that the issue of diversity is a new issue, particularly for the global South. In reality, this may well be the case for societies in the North, but for the societies in the South, diversity has been built into and a prevalent characteristic of most societies. Hence, IDEA's perspective will be informed by the hypothesis that those experiences (of the global South) need to be given particular attention, such that if there are best practices to be distilled, these experiences can best be gleaned from the South.

The overall outcome of this consultation and future explorations is to develop a set of practical proposals and tools that countries can use in terms of diversity and democracy – tools and proposals that are home grown and that can be contextualised. Finally, it is critical to note that regional consultations are envisaged as part of the processes of deepening engagement on what the contextual issues are in diversity.

Consultations in South Asia, the Andean region (through the IDEA Bolivia office), the Horn of Africa (through our Khartoum office) have been confirmed. European consultation has also been proposed. There is also dialogue with OSISA about the possibility of holding consultations in Southern Africa and West Africa. On the basis of these consultations, it is envisaged that IDEA will be well placed to put forward practical proposals on the nature and scope of the project on democracy and diversity.

## **SESSION 1**

### **SETTING THE SCENE**

Moderator: Mark Salter

#### **Managing Diversity within a Democratic Framework: Historical Overview and Introduction**

Professor John Eade, CRONEM, UK

This presentation aims at providing a historical overview on managing diversity within a democratic framework by combining personal experiences from Zambia and India with critical issues relating to the interface between democracy and diversity. In the case of India, I have focused on exploring issues of identity in terms of the extent to which individuals express themselves ethnically and religiously (as Bengalis), in terms of their (middle) class and in particular, and the interaction between these multiple identities, i.e. is identity fixed or relative to circumstance and situation?

Another experience to illustrate my points has evolved through my research during the past twenty-five years within the Bengali community and the migration of Bengalis to United Kingdom. Of particular interest has been the manner in which second generation Bengalis engaged with local politics in order to challenge racist exclusion and to work for a fairer deal for fellow Bangladeshis in such areas of housing, education, jobs and amenities.

In the 1980s, the development of identity politics was predominantly secular and leftist in ideologically, reflecting the interests of political elites back in the country of origin after the creation of an independent Bangladesh in 1971. This political and ideological focus changed considerably during the late 1980s and throughout the 1990s as local and global issues interwove.

The issue of Muslim identity became increasingly prominent in Bangladesh, across the so called 'Muslim world' and into the West – a complex process driven by developments such as the collapse of communist regimes in Russia and Eastern Europe; American policies and interventions in the Gulf, the Middle East and Afghanistan; an Islamisation process encouraged by key states such as Saudi Arabia and Iran in different ways; and the migration and settlement of Muslims in West Europe and North America.

In the context of London, these developments impact on the issues of democracy and diversity in the several ways. They raise the question of the ways in which minority groups engage with established systems of representative politics; if they do this through a politics of religious identity, who is going to represent 'British Muslims,' for instance, and what is the basis of their claim to represent others? In the reaction against multicultural policies after '9/11' in New York and the '7/7' bombings in London, how do British Muslims leaders engage with the central government's emphasis on social cohesion and the security forces' attempt to counter terrorism? How do British Muslims engage with secular political and cultural traditions that differ from their own, as well engage with Islamic discourses concerning democracy and diversity? Is a European Islam emerging (as Tariq Ramadan and other Muslim scholars suggest) through this engagement – an engagement which seeks to interpret Islamic texts in the context of contemporary, changing societies.

Needless to say, these processes have longer histories and this has only been an attempt to highlight key moments or incidents that have informed my understanding and thinking on discourses of diversity and democracy within the context of Europe broadly, and the United Kingdom more specifically. There are also varying definitions of the notion of the 'nation' and when 'nations' emerged. The perspective being put forward here follows the approach which sees nations emerging during the later 18<sup>th</sup> and early 19<sup>th</sup> century in the West. Two key events heralded the advent of the nation; namely, the American Revolution (1776) and the French Revolution (1789). Both instances saw the emergence of the ideological beliefs in the sovereignty of the people united under a legal system underpinned by a written constitution.

Accordingly, the nation should be based on the democratic will of the people, and in the French case, the abolition of monarchy under the resounding slogan: liberty, equality and fraternity. Another key aspect of the French model of democracy was its basis on cultural homogeneity rather than diversity and that the rights of all French people were grounded in a shared language, which was the vehicle for a secular, enlightened and civilised culture.

Although issues of social inequalities and cultural diversity complicated the political-legal model in both the American and French cases, both nations used linguistic uniformity as the national cement. Both models focused on the rights of citizens within a nation, and the government was supposed to facilitate those rights. The state as a set of institutions, broader than just the political system of parties and decision-making assemblies, developed as the late 19<sup>th</sup> century saw the growth of complex urban, industrial societies in both North America and Western Europe. In broadening beyond the political systems of parties and government expanding at both central and local levels, the state took responsibility for issues such as education, housing, healthcare, policing, amenities and socio-economic planning.

In light of these developments, two key questions were raised about the relationship between the nation and the state: first, to what extent were western nations truly democratic in practice rather than in theory? Secondly, to what extent did the state rule on behalf of loosely connected elites (i.e. bureaucratic, political, military, social and economic) rather than the nation as a whole? In other words, to what extent was power concentrated in the hands of the few and to what extent was power distributed across society in an open democratic fashion? In response, two approaches emerged in the 19<sup>th</sup> century onward. The liberal approach suggests that western societies are fundamentally open and democracy is a work in progress, such that the state functions for the people and the people can and do access their rights.

This openness enables societies to accommodate diversity created by economic (or class) differences, by race, religion, language, gender etc., and furthermore, the rights of minorities are protected by constitutional means. The radical perspective however purports an 'instrumentalist' view of the nation as 'often a self-conscious and manipulative project carried out by elites who seek to secure power by mobilising followers on the basis of nationalist ideology'. In short, the state institutions operate for themselves and for interest groups and social, which is why cultural diversity has to be understood in the context of class division and class struggle where elites can manipulate others by exploiting the differences between them.

Whatever perspective is ascribed to however, the current reality is one of nation-states, however weak, 'failed' or failing as these may be, and this contemporary state is clearly bound up with nationalist independence movements and decolonisation. As western nations carved out colonial territories across the globe and sought to justify their colonial regimes, they found that nationalist aspirations could not be confined to the metropolitan centre. The irony of colonialism however, is that it took notions of democracy and nation-state to the 'colonies.'

Whereas the French embedded the notion of 'superiority' and 'civility' within the conception of the nation-state, the British opted for the idea of 'maturity' as justification for maintaining their domination over colonised societies. In both instances however, the ability to retain control of their colonies (in India and south East Asia for instance) was significantly diminished in the period following WWI, a war which was between 'civilised European nations' and also WWII, thus, encouraging nationalists in other colonised regions such as Africa to rebel. Debates since the end of the Cold War (post-1989) have focused on the role of globalisation and the circumvention of national borders by global cities, i.e. cities whose interests are more directly linked to global context than national context. Central to these debates has been the link to the ways in which global cities have maintained Diaspora communities and the manner in which - through these diaspora communities - global and local processes interweave and transcend the national level to operate at regional and more local levels. Globalisation and travel of information etc, has allowed diaspora communities to identify with struggles that are not local. The development of supra-national networks and institutions has showed how the global and local are connected and the limitations of the national/international model.

In addition, global migration and globalising cities has highlighted the limited ability of nation-states to control their borders. Although wealthy nations in the West have sought to control immigration through state regulation and border policing, this has not deterred many migrants arriving illegally. The limitations of traditional notions of the nation-state were also highlighted by the competition between 'global cities' to attract foot-loose capital and highly educated migrants as neo-liberal capitalism encouraged the global flow of capital through the finance and banking sector. Of note has been the ways in which cities such as New York, Tokyo, Shanghai, London and Frankfurt came to dominate these flows and to act on their own, rather than the nation's, interests.

***'Globalisation from below' is gaining currency as a basis on which to view diversity as an opportunity and strength within societies***

Of late, the recent global financial crisis and subsequent debates about how to reform the global capitalist system have reaffirmed the inability of the nation-state to act on their own. Poor countries in the South are also being adversely affected by the global crisis engendered by the finance and banking sector in the rich North, and Chinese measures to stem the crisis show that in economic terms, we live in a multi-polar world rather than one dominated by the USA. Concurrently though, while the crisis shows the limitations of the national/international model, it also demonstrates the weaknesses of the post-national, hyper-global perspective. Action at the global level still depends on agreements between national governments and international bodies such as the World Bank, IMF, UNO and its agencies.

In short, despite all the changes created by the post WWII phases of globalisation, national governments still remain significant players on the global stage. They seek to control global migration and have responded to internal political pressures from ethnic revivalist movements through devolution (as in Spain, Belgium and the UK). Other instances include the Canadian government which has guaranteed minority rights at the federal level, while some Australian states have done the same at more local levels. Nation-states in the West continue to support multicultural practices in general even if they are questioning particular interpretations of multicultural practices and emphasising certain forms of social and cultural unity.

There is also an uneven trend in trans-national migration: for instance, in Europe, national governments have sought to control certain categories of people, i.e. refugees and asylum seekers, illegal immigrants and those suspected of terrorist sympathies or activities. Britain is moving towards the adoption of a point system modelled on Australian practices as like other western countries, it wishes to only take skilled workers from outside the European Union.

State power has been used with increasing stringency by various countries in a supra-national European Union against certain 'enemies within,' and state support for welfare services and other forms of public involvement has been gradually curtailed. Britain has provided a striking example of this process since the 'Thatcherite revolution' of the 1980s and has encouraged other EU nations to adopt similar policies or at least try to reduce 'social welfarism'. In short, the state has moved towards the privatised welfare and called in civil society organisations to deliver services it is no longer providing in areas such as housing and welfare. The nation-state remains a key player in a world of uneven global flows, but its role is changing and becoming more complex. In the European region, the nation-state has increased its powers over 'outsiders' and 'insiders' in the areas of border control and internal surveillance, while also ceding some of its social welfare powers to civil society organisations. Also, nation-states have become more flexible as they have devolved their powers to regions, i.e. Belgium, where particular minority ethnic groups have been guaranteed various rights in the struggle against inequalities and discriminatory practices.

As nations engage with internal and external influences bound up with global flows and trans-national networks, the issue of cultural diversity becomes even more crucial. 'Soft power' is being developed by China and India, against the 'hard power' of American diplo-



macy, military might and economic strength through their links with diaspora communities around the world. The notion of 'globalisation from below', which is based on interactions of people and small organisations across border, cultures and distances is gaining currency and increasingly viewed as the basis to view diversity as an opportunity and strength within societies.

Cultural diversity, diaspora communities and transnational networks create benefits and thus, bolster the argument that cultural diversity in democratic societies makes both economic and moral sense. This however, should not conceal the darker side of globalisation, where severe inequalities and exploitative relations have continued to dominate and, in certain regions, have increased. While the world has become multi-polar through the emergence of powerful regions such as the EU, the 'tiger economies,' India, China, Brazil and a reviving Russia, other regions in the South have become even more marginalised and dependent.

History did not end with the end of the Cold War and a new world order of global governance under the rule of international law and democratic institutions did not emerge as a result of America evolving into the surviving superpower. Instead, a more complex world has been created through the global flow of people, information and ideas, the increasing multicultural diversity of nations, the related reassertion of national identities, and the construction of new forms of state control.

Traditional notions of nations and citizens developed in the West and exported around the world are being questioned. In the context of democracy, understandings of citizenships are changing as people see civic engagement and participation as more effective for achieving social change than traditional forms of political representation. Political institutions have to adjust in order to accommodate marginalised communities more effectively into democratic processes.

However, ethnic diversity can also mean that minorities are excluded from national projects. Calls to integrate, or recourse to the 'melting pot' metaphor, fail to acknowledge the complexities of societies where minorities seek to protect their heritages and resist incorporation into the nation or state. Internationally, the sovereignty of the nation-state has also been increasingly challenged in the name of protecting or asserting universal human rights. National citizenship with its attendant rights and obligations is being reframed in the light of new expectations, and regimes deemed oppressive by powerful external actors have been subjected to sanctions or military interventions. These processes have implications in terms of the future of states and their citizens, not least as they are assisting to erode national sovereignty in favour of participation at both sub-national and international levels.

Recent reports (such as the US National Intelligence Council report on 'Global Trends 2025') suggest that in this more complex and 'dangerously unpredictable world,' cultural diversity will play a crucial role through diaspora communities, transnational networks, ethnic revivalisms and state control over certain 'enemies within' national borders. Different versions of democracy and diversity will be more obviously available and these versions will engage with civil society institutions at national and international levels.

## **OPEN FLOOR COMMENTS**

- It is critical to note that the issues (in terms of the nation-state) vary from continent to continent and context to context. In the African context for example, there must be caution in applying the notion of nation-state; in Africa it should rather be state-nations (where 'nation' refers to 'a people'), while in Europe, the notion of nation-state is crafted to enable conformity. Another issue which must be engaged in relates to the role of culture; when people are under threat they revert back to 'cul-

ture' and this has often worked against the idea of building the 'nation' or the overall collective of the people.

- Colonial and post-colonial societies are characterized by a duality of authority where both modern and traditional have always co-existed, which remains an important factor that has continued to shape even democratic societies. Despite efforts to remove and not accommodate traditional authorities, they continue to exist and organise life, especially at the village level. This was the case even in countries who engaged in socialist experiments (i.e. Mozambique). When engaging in issues of diversity this is key, especially as in some cases traditional systems can prove to be more democratic than the formal democratic systems and also, often hold greater faith from communities.
- In the African context, there is a very serious challenge of facing and engaging in a multi-polar world as the African continent does not have the luxury to isolate and re-discover itself like other societies (i.e. the Chinese). This of course creates real dilemmas –in that Africa remains under pressure to maintain two difficult and complex projects concurrently, i.e. engagement and progress, and the process of rediscovery. Linked to this is the question of whether or not there should perhaps be some kind of convergence between state sovereignty and national sovereignty. The only way to have an authentic nation-state is through the reconstruction and redefinition of these in Africa. Otherwise Africa will continue to remain behind. Also, engagements on democracy cannot be just about sustaining European interests and first generation rights; there must begin to be some inclusion of socio-economic issues as well.
- The term 'nation' remains vague and in historical contexts it remains used as though there is a universal understanding of it. Questions which must be asked to begin to shape some sense of what is being referred to include: what are the factors which contribute to the sense of 'nation' or nationalism? It is a sense of belonging? What is the basis for this sense of belonging? This is where it becomes elusive. There is also a need to explore this notion of what 'nation' means and gets defined because of its implications for diversity. In the context of England, the notion of one 'nation' hid the fact that there were actually for nations.

## Managing Diversity within a Democratic Framework: Perspectives from Asia and the Global South

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In exploring how democratic states should deal with religious diversity, it is perhaps useful to look at the Indian model and experience in order to glean lessons. This question is particularly poignant at this point in history where we see that in many respects, secularism is in crisis globally and appears to have lost its appeal. Here, I am referring to the kind of secularism that has developed in singular religion societies, such as the kind dominant in North America and Europe.

Historically, the dominant emerging perspective has suggested that the best way to deal with religion in a democracy is to banish it from the public domain; that is, religion must be privatised. In the absence of such privatisation, religion must be controlled by the state. If this is true of the state with one religion, it must be equally true of its relationship with all religions. There is no fundamental difference in the way state deals with many religions and the way it deals with one religion. Religious diversity is not a separate issue and can be subsumed under the manner in which the state deals with any one religion. It has also become commonplace that secularism is the political doctrine which justifies this strategy and the policies that flow from it.

In challenging this view, it must be argued that much of the West has developed a reasonable strategy of the state's relationship with any one dominant religion. Accordingly, its conception of secularism is also shaped by this context of predominantly single-religion society. In recent times, this conception of secularism and the strategies that flow from it have increasingly come under severe strain. This is largely because of an intensified globalisation and the migration of millions of people into the metropolis from former colonies. One consequence has been to bring to the West a form of deep religious diversity.

In response to this deep religious diversity or plurality, the West must either go back in time and look for resources in its own medieval period (with the consequence of forsaking its commitment to ideals of equality and modern freedom), or turn its attention to other conceptions of secularism and patterns of religion-state relationships developed outside the West. It is in this context that the model developed in the sub-continent, especially in India, provides an alternative conception that offers lessons on how the state can respond to deep religious diversity.

Within the Indian conception, multiple religions are central to the conception of secularism. Religious diversity is twofold: diversity of religions and diversity within religions. Diversity within religions, or horizontal diversity, means that the core beliefs of one faith do not have one single interpretation. Embodied within one religion are different branches or multiple interpretations of a set of beliefs and practices, as reflected with the *Shaivites* and *Vaishnavites* within Hinduism, *Shias* and *Sunnis* within Islam or *Protestants* and *Catholics* within Christianity. Vertical diversity, or diversity of religions, emerge out of the reality that within religions, people are at times excluded and, by virtue of this exclusion, they develop their own practices.

For example, women and Dalits within Hinduism have developed practices that are specific only to them in response to being excluded from the dominant practices. It is important to note that wherever there is diversity there are two possibilities: either find ways of tolerance and maintain peaceful co-existence through minimal decency, and eventually common respect; or - which has tended to be more common - marginalisation, exclusion and domination. In short, there is intra-religious domination (i.e. women of certain Hindu sects cannot enter the temple) and inter-religious domination (i.e. Hindus dominate Muslims).

While Western secularism is quite strong in meeting the threat of intra-religious domination (and it was historically this type of domination that eventually propelled the formation of

secular states in western societies), it has been unable to properly meet inter-religious repression, in which members of one religious community oppress members of another religious community. Mainstream Western secularism is not as well equipped to deal with deep religious diversity, and is insensitive to the inter-religious domination endemic in its midst. This stems from the dominant self understanding of Western secularism that its universal doctrine requires the strict separation (mutual exclusion) of church/religion and state for the sake of individual liberty and equality, including religious liberty and equality. It is important to understand that in part, the social/historical context of this self and its evolution, especially in modernising Western societies, was as a response to the tyranny, oppression and sectarianism of the church and the threats to liberty these posed to individual religious liberty.

To overcome this problem, modernising Western societies needed to create or strengthen an alternative centre of public power completely separate from the church. Hence, the state had to extricate itself from a hegemonising religion, i.e. demand mutual exclusion between the two relevant institutions such that one would unquestionable and solely be public (the State) while the other would be expected to retreat into the private domain and remain there (religion, or in the instance of the Western societies, the Church). Classic Western conception of secularism was designed to solve an internal problem of a single religion with different heresies (Christianity), and rested on an active hostility to the public role of religion and an obligatory, sometimes respectful, indifference to whatever religion does within its own internal private domain.

It is now increasingly clear however, that this form of Western secularism was not designed for societies with deep religious diversity, and that it has persistent difficulties coping with community-oriented religions such as Roman Catholicism, Islam, some forms of Hinduism and Sikhism that demand a public presence for themselves, particularly when they begin to co-habit the same society.

***Mainstream Western secularism is not well equipped to deal with deep religious diversity, and is insensitive to the inter-religious domination endemic in its midst***

When India became independent, it was deeply conscious of the two types of domination reflected upon in this input; namely intra-religious domination and inter-religious domination. This awareness created the need to ensure that whatever secularism was designed within the Indian context, it had to meet the needs of a deeply religiously diverse society while also complying with the principles of freedom and equality. Hence, within India's model, there was never a time when people felt that religious should be banished from the public sphere, something that was critical in the shaping of the Indian Constitution.

In responding to the complex and religiously diverse context of India, the Constitution makers favoured the concept that there would be no official State religion to ensure that all citizens can identify with the state. It was necessary to have a link between secularism and liberal individuals, but also to have clear accommodation of rights of religious communities so as to counter inter religious domination. What is also characteristic of the Indian model is that it rejects the idea of mutual exclusion and one-sided exclusion, but adopts the concept of principled distance. This means that the state may engage positively or negatively with religion. The decision regarding engagement with religion must be done on the grounds that it must be based on preventing intra and inter religious domination.

A key feature of the Indian model is that it has a commitment to multiple values of liberty, and equality is not conceived narrowly as pertaining to individuals but interpreted broadly to cover the relative autonomy of religious communities, quality of status in society, as well as other basic values such as peace and tolerance. By not fixing its original commitment exclusively to individual or community values, or marking rigid boundaries between the public and private, India's constitutional secularism allows decisions on these matters to be taken within the open dynamics of democracy politics, albeit with the basic constraints such as

abnegation of violence and protection of basic human rights, including the right not be disenfranchised.

The Indian approach enables value based pragmatism as the boundaries between state and religion are porous. The state can intervene in religions, to help or hinder them. This is reflected in the multiple roles the state may take in relating to religion, i.e. granting aid to educational institutions of religious communities on a non-preferential basis; or interfering with socio-institutions of religious communities that deny equal dignity and status to members of their own religion or to those of others.

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***'Principled distance' allows that a practice that is banned in one culture may be permitted in a minority culture because of the distinctive meaning it has for its members***

The ban on untouchability and the obligation to allow everyone, irrespective of their caste, to enter Hindu temples (and potentially to correct gender inequalities) are two such examples of intervention on the basis of a more sensible understanding of equal concern and respect for all individuals and groups. The Indian model interprets separation to mean 'principled distance' and not strict exclusion or strict neutrality. This is contrary to the Western model, which promotes the separation of state and religion and insists that in no circumstance should the state get involved. While the state can interfere with religious affairs, religion cannot interfere with the state. This encourages either passive respect or hostility and suggests that the implicit ultimate motive is to control religion.

The concept of 'principled distance' embodied within the Indian model of secularism is such a critical feature that it requires some elaboration. The policy of principled distance entails a flexible approach on the question of inclusion/exclusion of religion and the engagement/disengagement of the state. In terms of policy and law in whether the state engages/disengages, or whether it is inclusive/ exclusive, depends on factors such as context and the nature or current state of relevant religions. Religion may intervene in the affairs of the state if such intervention promotes freedom, equality or any other values integral to secularism.

Equally, the state may engage with religion or disengage from it, depending on whether or not these values are promoted or undermined. A state that intervenes or refrains from interference on this basis keeps a principled distance from all religions. This is one constitutive idea of principled distance and it is different from strict neutrality. Principled distance allows that a practice that is banned or regulated in one culture may be permitted in the minority culture because of the distinctive status and meaning it has for its members. It is not however, just a recipe for a differential treatment in the form of special exemptions. It may even require state intervention in some religions more than in others, considering the historical and social conditions of all relevant religions.

Contextual secularism is contextual not only because it captures the idea that the precise form and content of secularism will vary from one context to another, but also that it embodies a certain model of contextual moral reasoning. As a multi-value doctrine, secularism's constitutive values do not always sit easily with one another and indeed, they are frequently in conflict. Because of the intrinsic characteristics of contextual secularism, a fair amount of instability becomes integral to its nature. As such, it forever requires fresh interpretations, contextual judgments and attempts at reconciliation and compromise.

Since there is no a priori rule or pre-existing hierarchy among values or laws that enable us to determine that no matter what the context, a particular value must override everything or a particular rule must be applied, almost everything is a matter of situational thinking and contextual reasoning. Because of this, the practice of contextual secularism requires a different model of moral reasoning, one which recognises the conflict between individual rights and group rights.

Multi-value doctrines such as secularism encourage accommodation, i.e. not the giving up of one value for the sake of another, but rather their reconciliation and possible harmonisation. What is therefore pursued is a mutually agreed middle way that combines elements from two or more equally valuable entities. The roots of such attempts at reconciliation and accommodation lie in a lack of dogmatism, in a willingness to experiment, to think at different levels and in separate spheres, and with a readiness to take decisions on a provisional basis.

The Indian model accommodates the fact that there are many values and encourage that instead of choosing one or the other, you choose both. This commitment to multiple values, principled distance and contextual secularism means that the state tries to balance different, ambiguous but equally important values. In embracing the motto 'don't think in terms of this or that, think in terms of this *and* that', it becomes possible to bring together seemingly incompatible values, which is a great strength to Indian secularism. Indian secularism is an ethically sensitive negotiated settlement between diverse groups and divergent values.

Perhaps the most striking and potential policy implication within the context of diversity, and religious diversity in particular, is that secularism must be de-Christianised, de-Westernised, de-privatised and de-individualised. In other words, secularism must 'loosen' its ties with these elements and should be able to accommodate other civilisation sources, community based rights and publicly-oriented religions.

## **OPEN FLOOR COMMENTS**

- India has created mechanisms to accommodate diversity and multi-culturalism, but given the level of religious conflict, does this suggest contestation of the idea of principled distance? It should be noted that in most instances, the contestation arises from those who have a false sense of unfairness or that somehow, within the state's effort to accommodate differences or diversity of other religions, their particular group has had its privileges diminished or removed.
- Flexible and value based pragmatism are attractive concepts but they do not work well in terms of applying them through for instance, the law. Does this not suggest some wisdom for the ad hoc decision making which would be inherent in the notion of flexibility and pragmatism? One example in response to this issue which demonstrates how instances like this are dealt with by the courts was when judgment was made that while slaughtering a four legged animal was necessary for Eade (as part of Muslim rites) it was not necessary that this four legged animal be a cow. This ruling demonstrated how the law applies value-based pragmatism, and it was eventually embraced by all religious groups, including Moslems. Linked to this, it would be interesting to explore if there are other types of diversity, i.e. cultural and linguistic, whereby the principles applied within the context of religious diversity could also be applied.
- The level of tolerance within Indian politics is a driving force, and it is put to test in the issue of Kashmir and the western side of India. It should be stressed that there must be a recognition that there is a strong anti-Muslim sentiment in India, and the Kashmir issue is a test case of Indian secularism which is based on the fact that one's citizenship is not based on religious affiliation. The acceptance of separation of Kashmir promotes the notion that Muslims should not be part of India. The implications of such a proposition are serious, given that there are currently 120 million

Muslims living in India with Indian citizenship. The Kashmir issue is telling of the strength and fragility of the Indian model and also, that the full entrenchment and complete acceptance by all sections of Indian society may take additional decades to be achieved.

## **SESSION 2**

### **MANAGING DIVERSITY WITHIN A DEMOCRATIC FRAMEWORK: REGIONAL PERSPECTIVES**

Moderator: Goran Fejic, Policy & Strategy (PS) Unit, International IDEA

In opening the session, it was noted that the homogenous notion of the nation-state, born in Europe, is more and more becoming fiction. Globalisation brings people together but also raises the friction between the 'mothering' role of Western society and people's contestation of it. Democracy has made progress of making the world more inclusive and in this process, diversity becomes more crucial and raises critical issues. It is therefore essential to explore how different systems of managing and encouraging diversity can be used to further ensure inclusiveness and democracy.

#### **Southern Africa: Ozias Tungwarara, AfriMAP, South Africa** *Democracy and Diversity: Challenges in Managing Diversity in Africa*

The discussion about approaches that have been attempted to manage diversity within nascent democracies in the African continent is timely within the African context. This is especially so in view of emerging trends within the context of the African Peer Review Mechanism (APRM) processes where the issue of managing diversity has come out as the foremost challenge for reviewed countries. In context of this discussion, particular focus will be given to efforts within countries such as Rwanda, Sudan, South Africa, Malawi and Mozambique.

Managing diversity in Africa presents similar challenges as elsewhere around the globe; factors such as ethnicity, culture, religion, race, class, gender, geography and history are critical. Within Africa however, the issue becomes even more amplified because of the levels of poverty and under-development. A snapshot of its situation in terms of its democratic processes shows that Africa has made significant progress in the past 20 years in terms of efforts to consolidate democratic governance. Two decades ago, most African states were dominated by authoritarian and racist regimes. Since then, the number of African countries that have gone through democratic transition is considerable.

The end of apartheid in South Africa in 1994 gave further impetus to political liberalisation. A set of democratic norms and standards have been developed and adopted by the majority of African states and of particular note in this regard are the APRM (which has more than half of African countries acceding to it) and the African Charter on Democracy, Elections and Governance, which has been adopted by African Member States of the African Union (AU).

In addition, most national constitutions provide protection for citizens' rights as well as a governance structure that provide for participation, representation and accountability. Finally, long standing conflicts such as those in Angola, Mozambique, Burundi, Sierra Leone Côte d'Ivoire, Liberia, and the Democratic Republic of Congo (DRC) have been resolved or at the very least, experienced progress towards their resolution, through dialogue.

Despite these successes however, the key challenge experienced by the African continent and its democratic processes has been the institutionalisation of democratic institutions and the weaknesses therein. Because of their weakness, many African countries have not been able to affect democratic governance and respond appropriately in, for instance, situations whereby these institutions are undermined or come under threat. A glaring example of this

is evidenced by the fact that while the AU and sub-regional groupings such as SADC, ECOWAS, and the EAC have moved the continent from indifference to non-indifference, democratic norms and standards adopted at AU level hardly find expression and implementation at the national levels.

The executive branch of government has remained the dominant player in political processes, with the effect of 'crowding out' other players such as parliaments, political parties and civil society. As a result the spectra of reversal of gains made thus far always remains a looming possibility, especially in light of weak and often undermined institutions of governance such as legislatures, judiciary, civil society, political parties, media etc.

***APRM reviews suggest that managing diversity is emerging as one of the overarching governance issues requiring urgent responses by African countries***

An additional factor which creates the potential for reversal lies in the reality that the gains made in political freedoms have not translated in improvements in the quality of lives of many Africans. In most instances, poverty levels have continued to rise although some countries have experienced economic growth. Current economic and social indicators are not good. For example, Africa remains the poorest region globally and continues to fall further and further behind other regions in the world.

The continent's entire output is just 1.3% of the world's GDP. Africa is the only region where per capita investment and savings have declined since 1970. It is the only region where school enrolment is falling and illiteracy is still common-ace. It is also the only region where life expectancy is falling, and in addition, while sub-Sahara Africa is home to 10% of the world's population, it bears 70% of the world's HIV/AIDS cases.

The New Partnership for Africa's Development (NEPAD), the socio-economic programme of the AU, which aims to promote democratic principles, popular participation, good governance and sound economic management, was expected to be Africa's bold response to its precipitous decline. Through NEPAD and processes such as the APRM, it was envisaged that among other achievements, Africa's prospects in terms of trade competitiveness, increased investments, better aid conditions and debt relief measures would be improved. Practically speaking, it was hoped that US\$64 billion per year would be channelled to NEPAD's partner states over a period of fifteen years, thus propelling annual growth to 7% and reducing poverty by half by 2015.

The reality however, is bleak as these targets are far from, and unlikely to, be met. The socio-economic situation, at least in the short to medium term, is fertile ground for conflicts along ethnic, religious, racial and other grounds as competition for resources are likely to heighten. In addition, African countries previous responses to managing diversity have been unable to curtail peoples' inclination to revert back to their comfort zones, i.e. ethnic groups and affiliations in times when resource competition is severe.

Given the various forms of diversity within Africa and the manner in which it manifests itself, it would be anticipated that there would be robust engagement on the issue. In reality however, this has not been the case as in most instances, responses to the issue have been to avoid the issue. While there are complications which Africa has bequeathed in terms of the legacy of colonialism and for example, the fact that ethnic difference were used by colonial masters as instruments of control, these explanations do not provide a sufficient explanation for tendencies to eschew the issue.

Perhaps the most horrific results of the failure to manage diversity were in Rwanda, where a government dominated by Hutus attempted to exterminate the Tutsis. The cyclical violent conflicts in Rwanda, Burundi, DRC and Uganda are due to a variety of complex and interrelated factors, chief of which is the failure to manage diversity. In Rwanda for instance, con-



flicts between the majority Hutus and minority Tutsis may have pre-dated the colonial period; however, they were never as horrendous as the post-independence bloodbaths.

While blame has and can be ascribed to the Belgian colonial legacy that accentuated difference between the two ethnic groups, the post independence leaders that planned and carried out acts of genocide on ethnic grounds are equally responsible and must be held accountable. In short, as long as there are no effective institutions and processes to mediate between competing interests, the Great Lakes region will continue to be dogged by conflicts.

Protracted conflicts in Sudan and Chad occur along Muslim North and non-Muslim South, as well as Arab and African, fault lines. The departure of the British from Sudan in the 1950s, wherein the Northerners moved in to replace the British as administrators, was a defining moment as it sparked fear of Northern domination. Attempts to foster national unity in Sudan through imposition of Islam and the contempt for Christianity, indigenous religions, language and customs, have since been a major source of civil strife in Sudan. The protracted war waged by the Sudan People's Liberation Movement (SPLM) against the Khartoum government is evidence of yet another failure to manage diversity.

The on-going crisis in the Darfur region of western Sudan results from allegations that the government is oppressing black Africans in favour of Arabs. For years, tensions simmered in this region, over land and grazing rights between the mostly nomadic Arabs and farmers from the Fur, Massaleet and Zaghawa communities. Rebel groups began attacking government targets in 2003, accusing the government of neglecting the region. The Janjaweed militia rose up and has been accused of attempting to cleanse the Darfur region of black Africans, and although the government has denied any links to the Janjaweed, it has admitted to mobilising militia for self defence.

Compared to the rest of Africa, Southern Africa has fared relatively well in managing diversity. This is despite its challenges, including apartheid in South Africa, conflicts in Angola and Mozambique, the current crisis in Zimbabwe and issues of minority rights in Botswana and Namibia. While there is no one size fits all formula which can be applied to the management of diversity, the Constitution has been used across Africa as the basis for ensuring inclusivity and diversity management.

Thus far, it appears that democratic systems of governance have been most effective in the continent to manage diversity. Institutional arrangements put into place through constitutions that provide for the inclusion of all segments of society within a country's socio-economic processes have created the most enabling prospects for ensuring accommodation of differences and equal status of all citizens. As such, a common feature across most constitutions within southern Africa is that they all provide an inclusive political nation and safeguard against discrimination.

The most progressive of these is the South African constitution which includes Section 9, an 'equality clause', that prohibits the state or any person to unfairly discriminate on the basis of race, gender, sex, ethnic or social origin, colour, sexual orientation, disability, age, religion, conscience, belief, culture language and birth.' Similarly, Section 20 of the Malawian constitution and Article 35 of the Mozambican constitution provide similar prohibitions and protection against discrimination. As most countries are also signatories or parties to relevant regional and international instruments that seek to promote inclusion and protect discrimination, it is evident that in terms of normative frameworks, there are national commitments to managing diversity through respect for human rights and constitutional provisions that ensure inclusion of all members of society.

The challenge however is not the normative frameworks, but again, the institutional and political arrangements that enable major societal divisions to be moderated and reconciled. In the South African context for instance, and despite major progress since 1994, race remains a pervasive fault line in South African society. A 2004 survey found that 64% of all South Africans said they were very worried about the possibility of being discriminated against on

the grounds of 'race, ethnic or tribal background.' In its effort to manage diversity, South Africa faces the challenge of achieving equality and inclusion in a previously segregated society that institutionalised the link between privilege and racial categories.

One response to this challenge has been the implementation of affirmative action and black economic empowerment (BEE) measures, both of which have led to the adoption of laws and policies designed to improve the position of members of disadvantage (or previously discriminated) groups. There is agreement across the South African political spectrum that the government's BEE strategy has not been successful in bridging the gap between the poor (the majority of whom remain black) and the rich, but instead only benefited those who are already within the economic and political elite.

***The past tendency to avoid dialogue on ethnicity, race and diversity in the name of 'national unity' will become more problematic as diversity challenges increase***

The APRM report resulting from the review of South Africa notes that while it has been successful in managing diversity at a political level through proportional representation, it has fallen short in achieving the same measure of success in social and economic areas. As such, poverty continues to occur along racial lines and presents a serious challenge to managing diversity.

Similarly, within the context of Mozambique the critical challenge of diverse social groups relates more to poverty, illiteracy and lack of access to infrastructure. The country has experienced growth of more than 5% per year in its gross domestic product (GDP); however, it remains among the poorest and least developed countries in the world. There are marked regional differences in quality of life and the Human Development Indices (HDI) vary significantly, improving as one moves from the north to the south of the country. Although Mozambique has made remarkable progress since the end of its civil war in the 1980s, its ability to manage diversity will continue to be undermined by growing inequalities between the rich and the poor. As long as poverty and illiteracy remain high, exclusion of diverse sections of society could easily be perceived to be occurring along ethnic and regional fault lines.

In Malawi, which emerged from a one party state and one man dictatorship in the early 1990s, the constitutionalism process was conscious of, and sensitive to, the need to create a plural society. Like other countries however, the challenge does not reside with the norms and standards set out in the constitution, but in the implementation and practice. Political life in Malawi remains characterised by distinctly regional/ethnic support bases of which there are three dominant ones: the Yao in the South, Chewa in the centre and Tumbuka in the North. While religion has not emerged as a visible fault line in terms of diversity in the Southern Africa, tension have been evident between Christian and Muslims in Malawi.

The most notable incidents that confirmed this tension was in 1999, when political violence flared up along religious lines and seventeen mosques were burnt down in protest against the announcement that former president Mluzi, a Muslim, had won a second term. Language and the status of citizens of Asian origin have also emerged as a challenge in Malawi's effort to manage diversity. There continues to be a persistent perception that Malawians of Asian origins have not integrated sufficiently within indigenous communities, despite the fact that they benefit and prosper more significantly than indigenous Malawians. Naturally, this situation lends itself to xenophobic attitudes and degeneration that could inevitably result in internal conflict.

Finally, within the context of Southern African populations, migration and refugee populations become additional factors that exacerbate the complexity inherent in diversity management. This is especially so in the case of South Africa due to its relative economic prosperity in relation to other African countries. South Africa continues to be the preferred destination for migrant labourers but also to political and economic refugees. However, a series

of surveys conducted between 1997 and 2000 reveal that the majority of South Africans harbour hostile attitudes towards refugees.

These attitudes have not been assisted by legislative norms, as the South African Immigration Act is seemingly based on the ethos of 'control' as opposed to 'management' of immigration. The competition for resources between local and immigrant communities and the failure to manage diversity within a democratic system has recently come to the fore, as reflected by the xenophobic attacks on foreigners in 2008. This only serves to increase the urgency for contextualised and relevant approaches to diversity management, particularly in contexts where the socio-economic challenges are acute.

It can be expected that as Africa continues to democratise, the challenges of managing diversity will only increase, given that the institutionalisation of democracy will bring about increased citizens' demands for inclusion and equality. The previous tendency to avoid dialogue on ethnicity, race and diversity in the name of 'national unity' will become more problematic as evidence suggests that managing diversity effectively is becoming a critical feature in successful democracy building or democracy deepening efforts at national and regional levels. This trend is evident as the APRM reviews suggest that managing diversity is emerging as one of the overarching governance issues which requires urgent responses by African countries.

## **OPEN FLOOR COMMENTS**

- It should be remembered that political issues and agenda setting were often not inclusive of difference and how to manage differences; it is only in the context of recent discourses about governance, and 'good' governance in particular, that political issues of diversity management became prominent.
- It is important to remember that the 2nd wave of democracy, as experienced during the early years, was also expected to be an opportunity to celebrate diversity and democracy. This has not been the case however, for most African countries. This is despite their transitions to becoming democracies; while Africa has done well in terms of the normative elements of democracy, i.e. constitutionalism, democratic institutions, rule of law etc., implementation of these norms and the values which underlie them has not been as successful. This is especially so with regard to political power and economic and wealth distribution.
- Federalism has increasingly been used across Africa to address the challenges of managing diversity. The main challenge however, has been the process of nation-building which opted for unity and hence, glossed over the issue of diversity. This suggests that the general approach has been to adopt an 'either/ or' approach, which has meant that the adoption of 'nation building' as the primary focus has been to the exclusion of 'diversity.' Perhaps given the experience thus far across Africa and the consequences experience

### **Latin America: Carlos Camacho Nassar, Consultant, Costa Rica**

*Decolonising Democracy to Overcome Exclusions: The Challenges of Ethnic Diversity and Cultural Diversity in Latin America*

Latin America, like many other regions of the world, is a place where diversity is the norm. Since the 16<sup>th</sup> century this part of the Americas experienced migration and received individuals from different origins, in terms of ethnicity, culture and language. Some of these movements of populations were characterised by the violent and systematic eradication of indigenous populations. Although not always the case, in general it became the basis of the current configuration which also shaped the manner in which colonialists related to the region and formed the current states. One result of this historic process of migration is the co-existence of 500 indigenous peoples, and the hybrid cultures stemming there from. Urbani-

sation has created unequal distribution of resources amongst people of the same ethnic and cultural basis, which has created enormous social and space differences.

Since the second half of the 20<sup>th</sup> century, indigenous movements have gone from initially focusing on demands, evolving into a state of maturity whereby they are constructing critiques about post colonial models and engaging in how to shape democracies that are relevant and understood within the Latin American context. To date, there are more than 60 indigenous peoples isolated within forests and jungles without contact with 'civilization'. There are about 100 who only had their first contact at the beginning of the 20<sup>th</sup> century. It also important to note the kinds of migration and the impacts they have had on the Latin American society. These include internal migrations between Latin American countries; those of peoples from the Americas, from Europe, as well as the forced migration of black Africans, through slavery, in the 19<sup>th</sup> century.

All migrants and indigenous peoples have required an acknowledgment of diversity, which means having political and legal structures to eliminate exclusion and racism. In addition, the eruption of diversity, the recognition of these many identities and acknowledgement as reflected in the constitutions of Bolivia and Ecuador, have created a scope and a new way of relating with indigenous people. Furthermore, it has created a recognition of other systems of political organisation, and the right to powers structures that were not necessarily known or legitimised by Western power structures. An additional contributing factor to this recognition was the ratification of the ILO Convention 162 which brought about a new type of relationship with indigenous populations within Latin American countries.

To build societies acknowledging diversity means having political, legal and institutional basis to prevent the state apparatus from reproduction and maintenance of racism and exclusion. It also means being able to act against state mechanisms which legitimate the institutional reproduction and systematic exclusions that reinforce unequal distribution and concentration of wealth for a few. In the Latin American context however, and under colonialism especially, this power structure lost legitimacy and was restricted to national and domestic environment.

In this way, political participation was non-existent and therefore not a threat to existing cultures. This system however further entrenched exclusion and marginalisation for the majority of populations. Diversity was not recognised, nor was the role of ethnic and cultural identity. Relationships between cultures functioned on the basis of domination and subordination and as such, public services were offered from the viewpoint of dominant groups. Given this background, intercultural relationships are not new in Latin America but have historically been channelled and expressed within the context of ethnocentrism.

In some Latin American countries, the acknowledgement of diversity dates as far back as the 1940s with the establishment of the Inter-American Indigenous Institute in Mexico and other national institutes of ethnic origin. While the 1950s agrarian reforms benefited indigenous people, the benefits did not come because they were indigenous people but because they were farmers without land. This marked the beginning of movements for diversity and indigenous rights. It should be noted that only two movements in the 1960s recognised these differences; the Sandinista revolution in Nicaragua and the Panamanian recognition of indigenous people's right to autonomous systems of governance.

Latin American countries marked a significant milestone in 1992. At the 500<sup>th</sup> anniversary of the Spanish conquest, various continental organisations came into existence and reflected the standing and seriousness with which indigenous issues have come to be viewed within Latin America. In the 1990s, there was a strong movement by the indigenous and the Afro-American peoples striving for access to power in Bolivia. This also had an impact on Ecuador as well as other Latin American countries. Although Bolivia was the first to interpret and incorporate the rights of indigenous people into its constitution and national legislation, other Latin American countries have taken steps to acknowledge the political character of indige-

nous people. Despite the significant progresses achieved since the colonial period, numerous challenges still remain.

As in other regions, the normative acknowledgement of indigenous government systems and diversity has not been easy to institutionalise. The main challenges include: the incorporation and application of indigenous government systems into formal state political system that goes beyond communities and municipalities; the promulgation and implementation of state policies that are directed at struggling against political and social exclusion of indigenous people and other minorities; full recognition of the collective indigenous rights; the elaboration of state policies from an intercultural perspective including legal, political and institutional transformation as well as the requisite public resources for this to take place; the implementation - from an intercultural perspective - of structural sectors within the economy, socially and political structures and not only within the education sectors.

***Latin American states must initiate processes to decolonise the public apparatus***

Simultaneously, permanent mechanisms of consultations with civil society should be implemented in order to enable consultation of public policies. Linked to this, mechanisms to monitor and evaluate implementation and impact should be created. This means an implementation of social auditing with traditionally excluded groups and peoples in order to evaluate the usage of the public budget across the various administrative sectors. This juncture is a critical challenge and will mark the starting point of a new intercultural focus for the state; if ignored, it is possibly one of the conditions which current democracies will not be able to legitimate themselves to new political, cultural and social actors the are emerging.

Latin American countries maintain strongly diverse populations and the different nations have taken varying paths in terms of responding to this diversity. Many of them lack socio-political and administrative configurations to respond effectively to this multicultural reality. On the contrary, they reflect a non-existent homogeneity that is ethnocentric and monocultural. This creates a permanent contradiction with the population to whom it is meant to deliver services, and it breeds an environment for negative inter-cultural relations. The necessary arrangements for enabling different cultures to co-exist remain distant and continue to be a major concern throughout the continent. This issue is another condition without which it will be difficult for democracy to legitimize and consolidate itself.

In conclusion, the process of acknowledgment and integration of the rights of indigenous peoples in Latin America is evident. In practice, this means that the first steps have been taken towards the recognition of cultural diversity that characterise Latin American societies. The process of incorporation of multiculturalism into the public apparatus has begun, as can be seen in Nicaragua and Panama. Nevertheless, the institutionalisation of a mechanism for the participation of indigenous organisations in the conception and design of policies in any Latin American country is still lacking.

Although each country has some representation and engagement with organisations representing indigenous groups, these groups are excluded from the institutional framework of policy consultation and dialogue; they will continue to be so if institutions do not gain the proper capacities and resources to implement for change.

Latin American states must initiate processes to decolonise the public apparatus and replace it with a structure that is responsive to the characteristics and needs of a diverse population. To the majority of these populations, the state has not meant anything but a distant and oppressive structure that reproduces stratifications linked to past colonial practices. If not, conflicts derived from the ethnic exclusions will continue. Democracy will then only be an abstraction for most populations on the Latin American continent and non-Western cultures.

## **OPEN FLOOR COMMENTS**

- When comparing Latin America and Africa, it is clear that there are some similarities in challenges, established structurally, that enable exclusion, social exploitation and socio-economic gaps. For instance, as is the case with many African countries, in Bolivia, Peru, Guatemala and Chile, there is a correlation between geography of poverty and the geography of ethnicity. Structural inequality, one lingering post-colonial remnant is evident within both contexts.
- Throughout the African continent the issue of traditional governance and justice systems persists, and given its perceived credibility amongst many parts of African society, it requires further exploration. There are similarities and differences with the Latin American context and these should also be explored. In Bolivia for instance, one is able to choose to be judged by indigenous law or common law as both systems are viewed as legitimate and equally credible.
- It is interesting to reflect on indigenous people in Latin America and South Africa. Discrimination of indigenous people in Latin America was deeply rooted whereas in South Africa it was legislated. The claims of Latin American indigenous are about their specificities whereas in the SA context it was about building a nation of equal citizens, i.e. rejection of multi-racial groups. In comparing Latin America and India, there are 90 million indigenous people. There are group rights or territorial governance rights and also rights of special representation so that indigenous people can participate in democratic processes – a reflection of policies both of assimilation and of recognition of specificity. Some of the rights to practice religious activity by specific indigenous groups have been incorporated in national ‘common law’ legislation.

## **SESSION 3**

### **MANAGING DIVERSITY WITHIN A DEMOCRATIC FRAMEWORK: THEMATIC PERSPECTIVES**

Moderator: Ozias Tungwarara

In opening the session it was noted that in view of the inputs made thus far, there seemed to be a trend which suggested that democracy is the most appropriate framework for enabling the management of diversity. This does not mean however, that democracy is easy. On the contrary, it must be borne in mind that by nature, democracy is a messy process that is shaped by context and which is likely to be competing with other priorities.

#### **Afeikhena Jerome, APRM Secretariat, South Africa**

*Managing Diversity in Africa: Perspectives from the African Peer Review Mechanism Process (APRM)*

In providing a perspective from the African Peer Review Mechanism (APRM) process on managing diversity in, the presentation will be submitted in four parts. First, an overview of the APRM Process will be made. Secondly, some reflections on the nature of diversity in Africa and insights from countries that have been peer reviewed shared. These reflections and insights will then be followed by some concluding thoughts.

The APRM - proving to be the most innovative aspect of NEPAD - is a self-monitoring instrument that is *voluntarily* agreed to by member states of the African Union. Its primary purpose is “to foster the adoption of policies, standards and practices that lead to political

stability, high economic growth, sustainable development and accelerated sub-regional and continental economic integration through sharing of experiences and reinforcement of successful and best practice, including identifying deficiencies and assessing the needs of capacity building”.

Even when compared to the OECD, which invented the modern peer review, it has set a new precedent in scope and mandate. The mechanism focuses on four broad areas, namely; Democracy and Political Governance; Economic Governance and Management; Corporate Governance; and Socio-Economic Development.

Since its inception, 29 African countries have acceded to the APRM. Togo’s accession in June 2008 is the most recent. Although Mauritania was suspended in October 2008 following the ousting of its democratically elected president, the number of countries that have acceded still represents approximately 76% of the African population. Of these 29 countries, 15 have launched the process of implementing the review and nine have concluded their reviews. These countries are Ghana, Rwanda, Kenya, South Africa, Algeria, Benin and Uganda, Nigeria and Burkina Faso. In 2008 alone, four country reviews have been conducted and it is envisaged that if this pace is sustained, all 28 member countries will have been peer reviewed by 2013 or 2014.

The APRM Country Review Reports highlight what is referred in the APRM parlance as “cross-cutting and overarching issues”. Without being selective or attempting to define priorities, these are areas of deficiency that are of a recurring or cross-cutting nature and have been identified in more than one thematic area. They require a holistic approach in the search for solutions because of the wider impact they have on the quality of governance in all its dimensions. To date, approximately 20 issues have been identified. To begin the dialogue on the various cross-cutting issues, an Extraordinary Summit of African Heads of States and Government (the Forum) was convened in Cotonou, Benin Republic (October 2008) focusing on the following five issues:

- Managing Diversity and Xenophobia;
- Elections in Africa;
- Resource Control and Management of Land;
- Corruption;
- The *Gacaca* Court System of Rwanda

Not surprisingly, across the countries that have been peer reviewed thus far, managing diversity emerged as the foremost overarching and urgent issue. As part of the process of beginning the dialogue and developing responses to the challenges of diversity, the APRM approach is premised on the following assumptions. The first premise is that African societies are characterized by various forms of diversity or differences that manifest in ethnic, tribal, cultural, linguistic and religious terms, among others.

Secondly, diversity is a double-edged sword. On the one hand, it constitutes a huge reservoir of talents, traditions, skills, enterprise and experience that could serve as important productive forces or building blocks for new societies, if appropriately managed. On the other hand, diversity is potentially destructive. If the potential for productive and creative forces are not identified, understood, acknowledged and appropriately managed, diversity can provide the ingredients for insecurity, destruction of lives and property, and retardation of development.

In understanding the nature of diversity in Africa, and therein what informs the premises from which the APRM approach emerges, it becomes critical to note that by the very nature of their formation and being, African states have had serious problems with the management of diversity. The constituent groups of African states were forcibly and arbitrarily incorporated by colonization. One major consequence of forced integration, accentuated by state-authored systems of discrimination and inequality, has been a long history of agitation over the right to self-determination by ‘marginalized’ groups.

In addition to arbitrary and forcible integration, post-colonial governments also pursued policies of ethnic and racial profiling that reinforced cleavage lines and in some cases, created divisions that did not previously exist. Also, there are gross inequalities among the constituent groups in many African states in terms of development, resource endowment, territorial size, and population.

***The best resolution to the challenge of 'diversity management' is the promotion and adoption of constitutional guarantees for equality***

Inequitable allocation of resources among subsisting units have all intermediated and aggravated inter-group conflicts. Finally, there is often intense rivalry, competition and conflict among these groups over access to scarce resources, public goods and services. Such are the characteristics of the diversity in most African states which have led to its problematisation.

These characteristics have also been the triggers for inter-group and state-challenging (self-determination) conflicts and the resultant political strife, civil wars, ethnic tensions and the tribalism that has torn many African countries apart.

There are however, some emerging insights from various African countries which may be useful in better understanding the complexities of diversities on the continent. Like many other African countries, Kenya is an extremely diverse country with more than 40 ethnic groupings. Tribal and ethnic identities are pronounced and too often, one's political base and support is dictated by tribal interests, and the emphasis on ethnicity has been a cause of tension and conflict. The dominance of 'tribal' or ethnic interests is a constant threat to national unity, as the experience of the former Yugoslavia or Rwanda in the not too distant past demonstrates. While Kenya has so far avoided these extreme dire consequences, ethnic competition and tensions are present, and the country has already experienced forms of ethnic cleansing.

Like most post-colonial states in Africa, Uganda faces an enormous challenge in managing diversity. Since gaining independence in 1962, Ugandan politics have been marked by continued tribal and regional divisions, most poignantly as reflected in the North-South divide. In addition, armed rebellion was widely accepted as the sole and legitimate means to express political grievances and attain political power. Repression and violence, not limited to the notorious reign of Idi Amin, has been a constant feature of the Ugandan political system. This has been aptly demonstrated by the Buganda crisis, the Pigeon Hole Constitution, the Amin coup, the post-Amin regimes, the wars in Luwero, Acholi, West Nile, Kasese, Teso to mention but a few.

The complex history of Uganda, coupled with huge social economic inequalities, is at the root of both the longevity and magnitude of the war in the North that has polarised the country along tribal/ethnic cleavages and regionalism. It is essentially two conflicts in one: first, the fighting of the Lord's Resistance Army; and secondly, the deep grievances of northern Ugandans against the existing government. In addition, there are deep grievances among ethnic minorities regarding the institutionalised discrimination against them. These ethnic minorities include among others: Bwata in West Uganda, the Basongola in South West, and Benet in Eastern Uganda. Such deep rooted feelings of marginalisation and social exclusion have a potential of fanning the flames of ethnic resentment and inevitably, violence.

In other African countries, diversity manifests itself in different forms and with different ramifications. For instance, in South Africa race relations remain bristle as whites and blacks see things from different prisms and function in polarised realities in terms of the remnants of apartheid. This is reflected across the social spectrum in relation to settlement pattern, health care, education, places of worship etc. In Nigeria however, a country with a popula-



tion of 140 million and that has been torn by strife and conflict across religious, cultural, ethnic and socio-economic dimensions (i.e. the Niger-Delta region) there are some good practices that can be pointed to in the management of diversity. One instance has been the application of federalism and the use of a quota system in the appointment to key positions political positions.

Globally, various instruments have been used to accommodate diversity. These include:

- Electoral representation, either through proportional representation or the reservation of seats on ethnic electoral rolls;
- Political representation that is sometimes granted by establishing councils of minorities, which have to be consulted on legislative bills or policies which are of special relevance or interest to minorities;
- Territorial autonomy/devolution, where an ethnic group or groups are geographically concentrated in specific areas, so that devolution gives them control over local affairs and resources;
- Ethnic balancing through constitutional provisions whereby Cabinet posts and appointment to key government positions reflects the geographical spread as well as ethnic diversity; and
- Recognition of minority languages as national or official languages.

In conclusion, it may be useful for African countries to consider adopting and adapting similar approaches. In addition, consideration should be given to strengthening sanctions against ethnic incitement and deliberate anti-diversity political gerrymandering. The best resolution to the challenge of 'diversity management' is the promotion and adoption of constitutional guarantees for equal opportunities and equality. The opinion and influence of leaders should be at the forefront of espousing principles of national identity and unity in the face of the identified diversity challenges.

### **Perspectives on Diversity and Federalism**

Amitabha Pande, Forum of Federations (FoF), Canada

In reflecting on perspectives of diversity and federalism, it is useful to share a story about an old Pakistani Muslim who moved to live with his daughters in a homogenous Muslim community with considerably more affluent circumstances. Eventually, the old Pakistani returns to his home and when asked why, responds that he came back home because of the homogenous nature of the new community.

In short, he missed interacting with people from different ethnic and religious backgrounds and such a homogenous context and this frightened him. The power of this story is in its affirmation of what most in Indians societies know and accept as the norm: that India has for thousands of years been one of the most ethnically and religiously diverse societies in existence, but we have remained a highly networked society.

Indian plurality and diversity is not something to live with, accommodate, manage or tolerate. It is something that constitute and defines individual self identity. As with most other places where people come together based on a sense of commonality and history to create a community, Indians come together in the context of their plurality, to build a sense of unity and community, not in spite of diversity, but because of their diversity. That is, Indian society regards diversity as a positive linkage and therein uses diversity as a unifying element. Diversity should not be treated as a counterpoint to unity or something that needs to be managed by finding the unifying thread.

The tendency is to treat diversity as a cause of conflict, something that represents a lack of order within society which leads to the search for unity based on homogeneity and commonality. This search of commonality is hopeless and leads to a false sense of commonality which is divisive. In India, it is precisely the increasing discomfort with multiple and plural identities and the desire to create the false sense of unity around the nation-state that give

cause to most of the current conflicts in India. Paradoxically, the search for this artificial unity is divisive and contrary to our natural diversity which is unifying.

The construction of the sovereign nation-state is problematic even if it occurs within the framework of democracy, because concepts of nation building and constructing nation-states or national unity are fundamentally destructive of diversity. The idea of the nation-state and its internalisation is the biggest disturbing block. Traditional notions of the construction of India pre colonialism are false and misleading; in reality, the idea of India was at a deep mythic level as a network of complex and diverse relationships, and there was no need for a 'nation-state' as the people of the sub continent knew it. They had a sense of nationhood within the context of their diverse area/state.

***Indian diversity is not something to live with, accommodate, manage or tolerate. It is something that constitutes and defines self-identity***

The one person with a profound grasp of how plurality and diversity paradoxically constituted our unity is Mahatma Gandhi. As late as 1946 when asked to give a picture of independent India, he said that independence must begin at the bottom. Every village will be a republic or Panchayat having full powers. It follows therefore, that every village has to be self sustained and capable of managing its affairs, even to the extent of defending itself against the whole world. Gandhi recognised that the thousands of federal pluralist states were not a threat to India but actually strengthened it. Plurality and diversity would be the unifying elements, within the context of a subsidiarity framework, and therefore would reinforce and unify the republic.

In conceptualising this, the Gandhian vision and blueprint for the ultimate federalist vision made the whole concept of nation state and national sovereignty quite irrelevant. Constitution makers however who were caught in the prevalent notions of a modern welfare state created a federal design, fearful of what they perceived as fissiparous tendencies, which could without a strong federal union, lead to break up of the federation.

Ironically it is this flaw in design, one which only grudgingly concedes to the demands of diversity and plurality rather than making plurality the basis of the design, that is at the heart of the problem faced in Kashmir. Kashmir is a direct challenge to the notion of the nation-state, and not incidentally a problem of inter-religious problem but also an inter-regional one.

Unfortunately, much of the federalism debate is trapped within the state and nation-state debate. The question in terms of the debate being in this space is that it becomes about who accommodate whom. This leads to a situation where the state focuses more on perpetuating itself, and the opportunity for federalism to provide possible alternatives for other forms of governance becomes negated. One of the first things that should be done is to rescue the federalism design as it has been hijacked from political scientists and others who work from the premise that the nation-state is given.

In looking at the possibility of a new kind of architecture, it is instructive to look at one of the most significant environmental movement in India, which took place in the 1970s and aimed to protest against tree-felling. The Chipra movement, one of the most powerful women's movement, influenced policy and brought about change to the entire region. What was significant about this movement was that it had no centre, it was completely village based and entirely at the local level. Yet it was within a set of values, standards and philosophies which were agreed upon by the women involved. Another significant example of non-state federalism is the architecture of the internet where there are hundreds of thousands of people who are conforming to a set of standards, but are all entirely autonomous.

## **Perspectives on Diversity and Migration**

Hans-Petter Bow, Regional Representative, International Organisation for Migration (IOM)

The experience of having been in the International Organisation for Migration (IOM) for over 30 years will, in part, shape this input in terms of what is happening globally. Then specific focus will be made on what has been happening in Southern African, and particularly the issue of xenophobia which has recently come under the spotlight.

In Norway as in other parts of Scandinavia, the government and civil society agree that foreigners should be integrated and granted civil rights. However, in practice this is not actually seen, especially among first generation immigrants. Change and integration is only more visible in the second and third generation. It also important to reflect that Norway has its own indigenous population called the Sami and while they have been recently given their own courts, they are not visible outside their own traditional territory. Perhaps too much is being said, but the effect on the ground is not as intended; a tendency visible in other parts of the world as well.

Over the past several centuries, vast increases of population movements, and hundreds of millions of peoples live outside their native country. In this context, migration has become a cross cutting issue in terms of trade, politics, human rights etc. Human security elements have become critical as factors in determining whether or not people move from their homes.

In the southern African region, there have been major movements in migration particularly because of the demand for labour, one example being labour from China, Indonesia, Malaysia and other African states to work on mines, infrastructure and railways. As a result, there is a mix of ethnicity and cultural tradition which has nothing to do with the African continent. In recent times, however, there has been more movement to South Africa because of its standing within the continent, and because of the movement of people from rural to urban areas due to economic and human security issues.

The situation is presently that the domestic and internal migration is beginning to show internal displacement. The movement within South Africa combined with movement within the southern African region – as well as and also movement of other Africans from Somalia and Ethiopia - has created internal pressures that have resulted in the recent eruption of xenophobic attacks.

A recent report conducted by the IMO reflects that the emergence of violence is rooted in the micro-politics of township life, where the mix of diverse groups of people creates challenges. The four key factors which have been identified as contributing to these attacks include:

- Institutionalised xenophobic attitudes and practices which continue to dehumanise foreigners, i.e. when police and other officials misapply the law when picking up foreigners;
- Political vacuums and leadership battles in communities, even at the street level, that allow the emergence of parallel and self-serving leadership structures;
- Crime is not viewed the same in townships as it is viewed in other communities; in the townships exist a perception that violence is the most effective way to solve problems;
- Lack of effective conflict resolution mechanisms which lead to vigilantism and mob justice. This extends further to a lack of trust of church and faith based groups;
- Prevalent culture of impunity related to public violence especially xenophobic violence toward foreigners.

Following the xenophobic violence study, a report stated that over 1000 suspects had been detained. However, since then there has been no widely public verdict against those who

committed the attacks. This sends an implicit message that violence against foreigners is not taken seriously. There remains a deep suspicion of foreigners which is unlikely to diminish for decades to come. In addition to the influx of Zimbabweans due to the crisis there are growing numbers of immigrants from the Horn of Africa, i.e. Somalis and Ethiopian.

This is causing additional stresses in informal settlement areas since people of these nationalities tend to be more enterprising and industrious and thus, are seen as prospering and isolating themselves as they tend to also operate within the social networks built upon arrival. While politicians reflect a commitment to diversity, the ability to make it happen institutionally, through government systems and structures, remains a serious challenge. As part of the response, international organisation and other civil society such as faith based organisations are collaborating to support government efforts.

## **OPEN FLOOR COMMENTS**

- We easily tend to get locked into political discourse and forget that much of that discourse is in urban populations. However, the reality is that in the discourses on centralised and decentralised powers in the context of federalism, there must be a link between the urban and rural and also, debates about migration and the challenges that emerge as a result of migrations into urban areas.
- The relationship between the issue of language and that of federalism is important to note especially in the African context as there is no unifying language over the continent. In Nigeria for instance, there is no one language which is used as a 'unifying' language of Nigerians.
- The Gandhian concept of the village was one of the 'Village in the Mind' as an abstract notion and not a physical entity. In terms of the language issue, one can point to one of the success story of Indian federalism: there has been recognition of 21 official languages. In addition, there has also been recognition of an additional 2000 languages as minor languages. Language was one of main issues which assisted the reconciliation processes in India.
- The perspectives submitted, particularly in terms of federalism and its relative success in the Indian experience, are useful since typically there is an expectation that there must be a strong centre, and if the centre does not hold, we believe things will fall apart. The Indian experience with federalism clearly suggests another, perhaps useful and instructive paradigm, for other regions.

## **Summary & Conclusions**

Mark Salter, International IDEA

In summarising the key issues that have emerged from discussions thus far, there are few reflections that can be made. First, context is king/queen, and this is acutely apparent across the regional presentations that have been made. There are huge differences in terms of history, philosophies and mindsets. This affirms the approach of regional consultations as it will be necessary to more deeply explore the differences in mindsets, culture, political approaches and experiences of the regions where the envisaged project could be implemented. It is also clear that gaining a deeper understanding of the paradigms and narratives which have shaped mindsets and paradigms regarding diversity, requires a closer exploration of the challenges so that they can be better understood.

Having said this however, that context is fundamental, there are still some connections that surface from across the different regional experiences and that create opportunities for identifying 'best practices' that could be used in other regions. One striking example of this is the Indian approach to secularism and the application of principled engagement and principled distance. Could this one possible approach be adapted and applied in other context of

diversity outside of religious diversity? Also, in outlining the nascent political frameworks for enabling inclusivity, the question that emerged is whether there is anything Latin America can learn from the Indian experience about what those political frameworks could look like, and vice versa.

Finally, it seems key that within the policy terrain, if there is an ambition that there will be a possible policy directive, it must be based on empirical evidence and experience.

## **SESSION 4**

### **COUNTRY PERSPECTIVES**

Moderator: Goran Fejic

#### **South Africa**

Somadoda Fikeni, Human Science Research Council

This input will attempt to highlight key features of the South African experience in terms of how diversity is being managed within the framework of its democratic experiment. While it should be noted that the legacies of colonialism and apartheid still cast a shadow on the current socio-economic and spatial arrangements in the country, this input will focus on the transition period after 1994 where SA took its first steps towards becoming a democratic state.

The most important feature of the post 1994 period was that resistance to apartheid had become so strong that it created an impasse, which in turn led to a negotiated settlement. The negotiated settlement shaped the post 1994 landscape, a landscape that was in fact a bold and home grown experiment with very little external support. Within this context, there are two features (of post 1994): the transitional period and following the long term that looked beyond it.

The most significant challenge of the transition period was dealing with deep racial divisions and the institutional arrangements that had facilitated apartheid. It was necessary manage with forging racial unity, equity and equality amongst citizens and in response, a government of national unity was put into place, where any party with more than 5% of the votes, would be part of the Government of National Unity (GNU). This GNU was in place for a five-year period and consisted of the former ruling party, the IFP and the ANC. During this period, a range of institutions were put into place and were mediated by what was called the 'sunset clause.'

The next key aspect of the transition was the establishment of the Truth and Reconciliation Commission (TRC) on the basis of a rationale that full disclosure was essential to build reconciliation and forgiveness within society. In hindsight, it worked to some degree, but one of the key shortcomings was the (lack of) enforcement of punishment for not fully disclosing history and, linked to this, the expectation that families/survivors would grant forgiveness. During this period, electoral laws were restructured to ensure inclusivity, through for instance proportional representation, whereby citizens vote for a party and not individuals.

15 years later, this mechanism for ensuring accountability is questioned. This issue is now a prevalent feature of political debate and it may be the case that in the foreseeable future, the system will need to be revised. A recent instance of the growing contestation about the efficacy of this system was in the recall of the state president through a unilateral decision taken by the National Executive Committee (NEC) of the ruling party (ANC).

Within the South African context, the situation was (and continues to be to a certain degree) one of dual centres of power. Although the new black majority party (ANC) has political or state power, the cultural and economic space remains dominated by the former rulers. For instance, court proceedings are still conducted in English and even if magistrate and defendants speak a local language, the proceedings are interpreted and recorded in English. It is inevitable in such a context that discourses on diversity must take into account this duality of power. It is also of note that in the 14 years since democratic transition began, white South Africans still produce 90% of the knowledge generated.

In reviewing mechanisms (i.e. Black Economic Empowerment or BEE) that have been put into place to facilitate redress and distribution, particularly within the economic sphere, it is now apparent that only a small percent of the previously disenfranchised have benefited. This is especially ironic, because while South Africa has experienced one of the longest spells of economic growth, unemployment levels are extremely high and the trickle down effect which was expected has not taken place.

***The tendency to treat diversity as a cause of conflict leads to the search for unity based on a false sense of homogeneity and commonality***

In addition to this, language has increasingly become a contentious issue as has heritage issues, i.e. naming of streets to better represent the diversity of the country. Attempts to change these names have seen resistance from communities who were associated with them who claim that these changes infringe on their heritage. As a result, most towns and localities have dual identities where indigenous populations call them by one name while official records reflect another.

An additional challenge that has emerged relates to social justice and the need to be make democracy deliver to citizens. Although some strides have been made, incidents of unemployment, poverty and HIV/AIDS remain to be prevalent on the basis of the categories of the past. What is critical here is that the defence of democracy is directly linked to the extent to which people experience it, and this experience should be through the responses made to these issues. The recent protests are directly linked to informal settlements which are known to be the poorest communities in South Africa. These protests show that the issues of class and contestation for scarce resources are increasing, and if such contestation is not responded to effectively, the defence of democracy will become more difficult.

The issue of identity also continues to dominate and remains unresolved. In part, it is exacerbated by attempts to be 'polite' and not speak about it as this also brings accusations of taking people to the past. As a result, race and identity and therein, diversity, are often not spoken about in joint spaces. However, the resurgence of racial incidents reflects that there is silent range in small corners and that perhaps, the notion of the 'South African Miracle' or 'Rainbow Nation' lends itself to perpetuate a continued discomfort with speaking about or confronting the racial issues still pervasive in South African society.

It can be argued that SA is moving towards the American situation where African-Americans harbour silent anger about the racial condition as it is not politically correct to speak about slavery and discrimination in public spaces. Linked to this, the notion of the 'dual identity' of SA also plays itself such that South Africans sees itself vis a vis the African continent. This of course comes with its own complexes and challenges, as articulated by previous speakers who highlighted for example, the recent incidents of xenophobia and the attitudes of South Africans towards (African) foreigners.

Although bold steps were taken in the South African experiment with social engineering and dealing with diversity, the successes attained have been tainted by the challenges. Again, while the best frameworks and institutions may be in place, it is their ability to deliver and to be seen to be delivering to communities that will determine the ability to deepen democ-

racy and respond effectively to diversity issues. This process of 'deepening democracy' must also embody a commitment to social justice if indeed the delivery is to be credible.

## **OPEN FLOOR COMMENTS**

- From the UK experience one of the debates in identity politics is whether you should be essentialising identity. The challenge here becomes how to facilitate social mobility and openness without also creating a zero sum politics whereby what that groups gains is regarded as a loss for another group: the challenges and opportunities that South Africa reflects demonstrate that every country has an opportunity to choose the kind of democracy it embraces. In the Swedish model for instance, there is an insistence on ensuring that mechanisms which respond to socio-economic issues have been built into its democratic model. Given the experience of South Africa, it would have been expected that the ANC take the US (liberal) model as opposed to, for instance, the Swedish model. If the socio-economic justice issues are not resolved, South Africa will likely go to zero sum politics situation.
- Given the overall experience of the African continent since the 1960s, South Africa has done well in its transition. However it is necessary to move away from the transition which was agreed upon to allow the electorate to determine their leaders, through the electoral process, as opposed to empowering political leaders to make decisions. Presently, there have been interesting developments in terms of the implications for the political future.
- Identity is still predominant in terms of race and community, but religious diversity doesn't seem to be an issue. Is this because religious homogeneity or other measures have been put into place to address this issue? The dominance for Christianity is clear and for instance, the only main holidays are for Christian holidays. Other faiths remain at the periphery, where Muslims and Hindus (i.e.) can be released as per the discretion of employers.
- The inclusion of women was always seen as secondary to addressing the racial and political issues in SA; to what extent has the issue been addressed, or has the notion of the South African miracle also served to mask it as well? Although it is clear that the women's empowerment in terms of representativity has grown, it does not seem to have translated into (economic and social) empowerment of women. The impact in transformative terms has not been as significant in comparison to the numbers of abuse of women on the ground.

## **Bolivia**

Carolina Floru, Constitution-Building Co-ordinator, IDEA Bolivia Office

*For text of presentation see Annex 6*

## **OPEN FLOOR COMMENTS**

- The Bolivian Constitution has not yet been formally adopted it is in its draft form and there has been widespread public education about its contents. Government is leading the drive and using all media forms to educate and raise awareness which has been quite successful. However, the time frames are short since on 25<sup>th</sup> January 2009 the vote to either accept or reject it will be taken. This constitution is perceived to be the strongest or most legitimate as it contains the concept of multiculturalism and diversity, thus corresponding to the realities of Bolivian society. The challenge after the 25 January will be the revamp of the entire legal and institutional frameworks to align to constitution.

- This is regarded as the most credible constitution because of the extensive processes that were followed to ensure that as much of the population as possible was involved in its development – this is also a radical shift from previous constitutions. This suggests that there is a strong likelihood that the Constitution will be accepted. At the moment, the constitution has approximately 70% support of the population. This is due to the strong involvement and activism of minorities in changing its content. The Constitutional Assembly was in place in 2000, but it was only in 2006 that elections of representatives for constituencies were conducted. The process was very difficult as dialogues started and stopped throughout this period.
- While there is no specific talk of a 'quota system' per se, there are proposals for new distribution system which would enable representation per territory. This of course will require the revamp of electoral laws so that the new system can be implemented. In addition to this, there are also proposals to ensure that traditional forms of participation and democratic practice are retained and reflected in the new codifications. It should be noted that even as it has not been codified yet, there is already an expectation that the rulings of the traditional courts/justice will carry the same weight as modern/western legal system. The process of harmonising the two systems is still underway.
- In terms of indigenous people having control of natural resources and the manner in which they are used, the new government has used the strategy of nationalisation (i.e. oil) to ensure that the Bolivian population benefit from their natural resources and not foreign owners. Prior to this, there was a capitalisation of stock in companies and the majority belonged to foreigners. The change has created more revenue for the state so that Bolivian's have a better chance of benefiting from their natural resources.
- The language situation is one of the most serious in Bolivia. The constitution recognises all languages, but this is as far as it goes. As in many other Latin American countries, the challenge of institutionalisation and capacity remains a key issue.

## **SESSION 5**

### **DEMOCRACY AND DIVERSITY: DEFINING THE PROGRAMME**

Participants were divided into two small working groups with the objective to accomplish two tasks:

1. Identify key thematic, regional and country issues emerging from the perspectives submitted
2. Outline a set of recommendations regarding the scope and focus that should inform how the programme should be shaped.

<b>Working Group 1</b>
1. The dynamism of identities and how to operationalise this dynamism: in this regard, the relationship between structures and processes and how interest groups become determined to fix ideas in a dynamic context was raised. The challenge is how best to retain structure, since this is required for institutions, while also retaining a balance with the organic processes of life.
2. The establishment of quotas, to assist marginalised groups, and how they often become reified: the challenge is how to respond to this and also, ensure a balance between the reality and expectations of marginalised groups.
3. How to identify successful institutions and practices in terms of good practices: this was linked to the issue of proportional representation and the danger of it becoming a disempowering mechanism for marginalised groups. How to encourage societies to think about proportional representation in a positive manner is a challenge. The Indian



<p>experience is useful in this regard in terms of lessons learned about how to modify structures as societies change.</p>
<p>4. Within the context of diversity, emphasis is usually put on ethnicity; however, this is just one aspect of diversity. As there are multiple identities, how do some become more prominent than others? In discussing diversity and the issue of traditional and modern systems, the Rwandan traditional courts were reflected upon. Romanticising traditional systems must be cautioned against, as must the tendency to think about traditional systems in opposition to modernity as this is often not the case, i.e. traditional systems are not necessarily in opposition to modern approaches. It was also noted that instead of being locked into the notion that tradition works in some regions and not in others, it may be more useful to look at the principles that underlie the tradition or practices in question that could be transferable.</p>
<p>5. The need to assess performance in the context of change was raised. Linked to this, the issue of who actually makes the assessment was noted. Canada's example of successfully embedding multi-cultural rights was also noted as a model that should be explored further.</p>
<p>6. Diversity is often seen as a problem whereas in India it is a unifying element. Horizontal approaches may be useful as opposed to vertical ranking. The notion of principled distance and principled engagement as reflected in the Indian experience, and looking at identities as being element on a wheel should be further explored in order to find ways in which it could be useful in other regions.</p>
<p>7. It is critical to avoid compromised and zero sum politics and in fact, move beyond the notion that one group dominates another towards a situation where all groups participate across all political levels. Linked to this, it was noted that indigenous groups do not fully participate across democratic processes, i.e. elections, because they are in rural areas and elections are typically based around urban areas. Traditional systems in politics could be one mechanism to reach out to indigenous groups so that they are able to participate fully.</p>
<p>8. The challenge of moving away from large units towards more intimate units of engagement was discussed. It was noted that the principle of subsidiarity would be valuable to look at, as it is only in moving towards smaller units that participation and democracy can take on more meaning for communities, in particular for diverse communities. It was also noted that technology can impact democracy through the creation of virtual communities and in fact, it is already reshaping the way we think about representations.</p>

<p><b>Working Group 2</b></p>
<p>1. Democracy can enable or undermine diversity. The discussion concluded that it is key to look at democratic values to distil the most critical. In looking at these values, emphasis should be on the extent to which they enable equality and inequality. It is also important to not strictly adhere to formal qualities of democratic processes and institutions, but to also look at those informal qualities that could be useful in the context of diversity and increasing participation. Whilst it is acknowledged that democracy can enable or undermine diversity, it must also be stressed that democracy remains the best framework within which diversity can be enabled.</p>
<p>2. In looking at democratic values, it was noted that the first key value is participation in decision making processes, constitutional building and institution building processes. It is also important to look at those processes and structures within society that are generally viewed as being exclusive, but which can often end up being more inclusive. In this regard, traditional courts and systems often create more space in terms of the increased diversity of people that can have access to them. In other words, they create space for those who may typically be marginalised (because of structural barriers) from the formal systems of democratic participation.</p>
<p>3. There should however, be some caution in exploring traditional systems and structures as they also can lead to negative consequences. It may be necessary to reform the informal structures as well as the formal democratic institutions and</p>

processes. It was also noted that when traditional leaders are included in the formal democratic processes, they may become co-opted or corrupted. The example of Fiji was raised whereby the work that had been accomplished by the chiefs was eventually undermined and perceived as lacking credibility by the community at the point when their traditional structures were recognised by formal democratic processes.

4. A recurring theme relates to religious and ethno-religious diversity, linguistic diversity and the need to build linkages with these communities.

5. Specific recommendations:

- the need to continue to create space/programmes that focus on comparative experiences;
- engage with relevant institutions to partner with; the most critical being indigenous and ethnic minority groups, electoral structures and academic institutions.

## PLENARY DISCUSSION

The specificities of the Indian experience and the potential use of the notion of principled distance should be borne in mind. In particular, the principles that underlie the Indian model should be further explored as it potentially holds principles that may be applied to other contexts.

In terms of secularism, it is critical to separate values and principles. When looking at democracy for instance, it is critical to ensure that there is a distinction between the values and principles which underlie democracy without necessarily universalising the 'apparatus' of how democracy is practiced as something that is good in and of itself. Focus should be on the issue that is being addressed, i.e. religious exclusion and ethnic intolerance, and then analyse what the most pragmatic institutions or structures would be to address this.

***While the best institutions may be in place, it is their ability to deliver that will determine the ability to deepen democracy and respond effectively to diversity issues***

The dynamism of identities is a critical issue; one must be cautious to not regard them as static as it would obstruct for individuals' truths to emerge and evolve. Identity recognition and ethnic mobility are not in contradiction with one another. The challenge of democracy and diversity is that identity is mutable, i.e. it depends on place and time whereas when we walk into the notion of democracy and politics, we are walking into institutions which are not immutable. How does one come up with something in the project which is workable and can be put forward given this contradiction?

Rights should not only be attached to individuals but also to the group. Experience shows however that democracies have not necessarily delivered in balancing group and individual rights. However, this is not the fault of the democracy per se, but the practices that have been used in democratic processes. It is important to have group identity within the context of democratic processes and this group identity should be protected, which however, can only be done if the particular group participates.

It was noted that in the Indian context, the space for dynamism is sometimes abused as in the case of the reclassification of ethnicity. This represents not a case of identity mobility, but rather of a particular identity group making use of a state classification system to try and access certain social and financial benefits.

Case studies and comparative experiences are envisaged to be used as part of the project which emerges. In addition, one possibility would be to look at developing a 'state of identity' tool that measures the quality of diversity within societies. This would then be linked to the development of a Democracy and Diversity portal that would include all peer reviewed documents and case studies.

## **THE WAY FORWARD Final Commentaries**

### **Felicity Szesnat, Human Rights Centre, University of Essex, UK**

There is a need to identify strengths and weaknesses of the law in order to identify its optimal utility within the context of the debate of diversity and democracy. There should be caution on overemphasis on 'mine' and 'my group' and the implications in terms of where it places one as opposed to others, i.e. the entrenchment of otherness. It is important to remember that for every right there's a corollary of duty. The African Charter of Human and People's Rights mentions group duties and this may be worth exploring.

### **Biong Deng, IASIA, South Africa**

The way forward must consider redefining democracy from a socio-economic perspective. To date, the instruments of democracy have not had sufficient impact on the majority of Africans' lives. In terms of socio-economic democracy, many would insist that there is no real peace. In Africa people talk about democracy as the problem. However, this is not the problem: the problem is the manner in which democratic governance is carried out. There is a need to conduct research and find best practices and comparative experiences in order to address the challenges that democracy faces, especially in Africa. The issue in Africa is not an absence of norms; the African Charter on Human and Peoples Rights has for example since 1981 affirmed that that all rights are equal and that there is no generation of rights.

### **Karin Alexander, IDASA, South Africa**

The politicization of rights and the ways in which political culture is constructed is a matter worth investigating. There is a need to spread the notion of building democratic societies; the state cannot be trusted to build democratic societies because this feeds into the politicization of identities. There is a need think about democratic principles in relation to individuals and individuals in groups.

In both respects, as individuals and groups, consideration must be given to the responsibilities that come with contributing to the development of democratic institutions. This point is especially important in the African context as there is a tendency to expect institutions to manage it all, while ignoring our role as citizens to get these institutions to respond to our demands and duties.

### **Carlos Camacho Nassar, Consultant**

Diversity came before democracy, and democracy never understood how to deal with diversity. One issue that must be given priority must be studies on inter-cultural conflict management as culture is not static and therefore, constantly requires a fresh and contextualised understanding. This is especially important in improving political systems there cannot be multiple political systems simultaneously. The system in place must be able to somehow unify or accommodate the diversity of a society. Although there are studies on conflict management, they are not conducted from an inter-cultural perspective. Conducting comparative study on articulation of indigenous political systems at national and regional systems should be looked into.

### **John Eade, CRONEM, UK**

As we reflect, it seems we still get trapped in the idea of the nation-state paradigm even though quite a lot of incidents that cause conflict are not necessarily shaped by what is happening in the nation, but rather by global or trans-national events. We need a degree of imagination to think about issues beyond nation-state paradigm, something that becomes apparent in discourses about global ethics as opposed to national ethics (as the two are not exactly the same). In the 1990s, there was excitement about the movement away from modernity into post-modernity, and globalisation's fragmentation of the notion of the nation-state. However, there has also been a strong reaction to this development.

**Mark Salter, International IDEA**

The increased search for national narratives as a response to the sense of break-ups faced by many countries (especially in Europe) in the post 9/11 and 'war on terror' rhetoric cannot be ignored. It is being expressed as the need for national values and fear for people that reflect otherness, i.e. migrants. Constructing national narratives as one response to increasing diversities in societies is increasingly being intimated by IDEA Member States as one aspect that should be reflected in the project.

***Diversity came before democracy, and democracy never understood how to deal with it***

The urgency of this matter emerges out of the reality; if we do not come up with a national narrative, then there is a real risk that the worst kinds of people will be the ones to create it. Europe has not had to face such a scenario, and the issue is how the national narrative is shaped. South Africa is an example of how a national narrative can be built in an inclusive manner, while in Europe it is being built on the basis of fierce exclusion of the other.

**Amitabha Pande, Forum of Federations (FoF), Canada**

As we attempt to develop the theory of nation-state, we tend to overly focus on state institutions; should we perhaps instead aim to create space for federalism and multi-level federalisms, decentralisation etc. along the way? The link between national narratives and the conception of the nation-state should not be assumed. Federalism is an expression of identity and therefore the approach should focus on democracy, diversity and federalism. It is critical that the development/shaping of the national narrative is not driven or directly linked to the idea of the nation-state.

**Carolina Floru, International IDEA, Bolivia**

The most important point in the debate in Bolivia is the acceptance of pluralism. Once the constitutional changes have been made, it will affect all the political, social, economic aspects and force them to be re-considered. Bolivians will not accept partial changes but will demand the radical changes as reflected in the constitution. There is in addition a discussion on the creation of a new national narrative in Bolivia.

**CONCLUDING REMARKS**

Mark Salter

The critical question to conclude on is: what, at this point, can already be operationalised? Primarily there is a sense that IDEA can add value in getting comparative experiences. This will be taken seriously, but there will have to be a selection of regions to compare. There is also a need to look at democratic institutions but from a process perspective, and perhaps more importantly, by looking through a set of values, i.e. inclusivity, participation and representation.

There must be a prism for viewing the design of democratic institutions, and these values could be the mediators through which the institutions are looked at. It will be important to ensure that there is particular sensitivity to the gender issue so that it does not get lost. Adequate attention to the role of traditional and customary institutions in promoting a better sense of diversity will also have to be built in.

In closing, gratitude to all of the participants for their rich and constructive inputs over the two day consultation was extended. In addition, the interpreters and especially the IDEA colleagues from the Pretoria office were thanked for tireless efforts in organising and supporting the meetings proceedings.

Annex 1



**Democracy & Diversity**  
**Expert Consultation**  
**Classique Court Hotel, Pretoria**  
**26-27 November 2008**

**Agenda**

**Tuesday 25 November**

P.M. Arrival Court Classique Hotel, Arcadia, Pretoria (International participants)  
19:30 Dinner, Court Classique Hotel (All participants)

**Wednesday 26 November**

08:45 **Arrival** (Tea & Coffee)

09:15 **Welcome & Introduction**

Margot Gould, Africa Programme, IDEA

Mark Salter, Democracy Assessment & Analysis (DAA) Programme, IDEA

**Session 1 Setting The Scene**

Moderator: Mark Salter

09:45 **Managing Diversity within a Democratic Framework: Historical Overview & Introduction**

Professor John Eade, CRONEM, UK

10:45 Coffee Break

11:15 **Managing Diversity within a Democratic Framework: Perspectives from Asia and the global South**

Rajeev Bhargava, Centre for the Study of Developing Societies (CSDS), Delhi

**Session II Managing Diversity within a Democratic Framework: Regional Perspectives**

Moderator: Goran Fejic, Policy & Strategy (PS) Unit, IDEA

12:15 **Southern Africa** - Ozias Tungwarara, AfriMAP, South Africa

13:15 Lunch

**Session II (continued)**

14:15 **Latin America** - Carlos Camacho Nassar, Consultant, Costa Rica

**Session 3 Managing Diversity within a Democratic Framework: Thematic Perspectives**

Moderator: Ozias Tungwarara

15:15 **Governance** – Afeikhena Jerome, APRM Secretariat, South Africa

**Electoral Processes** – Electoral Institute of South Africa (EISA)

**Federalism** - Amitbabha Pande, Forum of Federations (FoF), Canada

**Migration** – Hans-Pettr Boe, Regional Representative, International Organisation For Migration (IOM), South Africa

16:15 Coffee

16:30 **Session III Plenary Discussion**

17:00 **Summary & Conclusions**

Mark Salter, International IDEA

19:00 Dinner, Court Classique Hotel

**Thursday 27 November**

**Session 4 Country Perspectives**

Moderator: Margot Gould, Africa Programme, IDEA

09:15 **South Africa** – Somadoda Fikeni, Human Science and Research Council

10:15 **Bolivia** – Carolina Floru, Constitution-Building Co-ordinator, IDEA Bolivia Office

11:00 Coffee

**Session 5 Democracy and Diversity: Defining the Programme**

Moderator – Mark Salter

11:20 **Aims and Purpose** – Mark Salter

11:30 **Working Groups**

13:00 Lunch

14:00 **Working Group Reports (Plenary)**

15:00 Coffee

15:20 **Plenary: The Way Forward**

**Commentary:**

- Korwar Adar, African Institute of South Africa (AISA)
- Carlos Camacho Nassar, Consultant
- Rajeev Bhargava, CSDS, India
- John Eade, CRONEM, UK
- Yvette Geyer, IDASA, South Africa

16:30 **Concluding Remarks** – Mark Salter

19:30 Dinner



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**Classique Court Hotel, Pretoria**  
**26-27 November 2008**

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*Annex 3*

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For our meeting in Pretoria IDEA have suggested that we address two key questions:

- a) How can the North benefit from the experiences of the South in managing diverse societies democratically – and vice versa? What can we learn from each other?
- b) Are there lessons to be learned from such diverse experiences? In particular, can we distil a set of key best practices that may be useful and relevant in a variety of different contexts?

**1. A personal experience of the processes to be discussed**

I would like to start with explaining my personal and professional interest in the issues of democracy and diversity. In so doing, I plan to link my experience to the political and ideological developments which have shaped democratic practices and the development of cultural diversity.

In 1965 I was fortunate enough to join an educational exchange programme which involved 15 British 6th Formers flying out to Zambia - a year after independence - and helping with teaching at 8 secondary schools across the territory. My two terms, teaching at what was then the largest African secondary school near the 'Copper Belt', was an intense experience because it introduced me to a very different world from the Sussex village I grew up in - a world of multicultural diversity where differences were sometimes in tension as the various ethnic groups in the new Zambia confronted with changing political and social realities.

Attitudes of racial superiority among white residents were beginning to be questioned as a new political and professional elite began to emerge, although a brief visit to what was then Rhodesia during the Easter holidays, revealed that the white minority were not going to accept a transfer of power so easily. Indeed, not long after UDI was declared with the bloody consequences we all know about.

If my admittedly brief experience of a rapidly changing Africa gave me some insights into how the issues of democracy and diversity were being acted out in the context of decolonisation, my period of research in Kolkata (Calcutta) provided me with further and different insights. India had gained independence much earlier (1946) and the remnants of British colonial rule had virtually disappeared in the former empire's 'second city' (largely reduced to some sections of the economy such as banking and the up-country tea and jute industry).

Because I was interested in the politicisation of religion during the 1930s and 1940s leading to British withdrawal I focussed on the social identity of Bengali Muslims middle class families, who decided to stay after 1946 rather than join their relatives and fellow-Muslims in Pakistan. In other words, I wanted to understand the ways in which people negotiated different identities based on language, religion and class in different social contexts. Despite popular claims that Muslim identity should come first and all other identities be contained within against this primordial identity, it was clear that in practice people negotiated between different identities according to the social context. In many situations being Bengali, middle class, male, female etc would be far more important than any religious identity.

My stay in Kolkata, which was repeated several times during the 1970s, gave me some understanding of the complex dynamics of a nation-state committed, like Zambia, to both democracy and diversity. In India's case, the political commitment to democracy was enshrined in a constitution closely modelled on the USA's. However, the Congress political elite, which controlled power at the central level up to the 1970s, pursued economic policies and ideological discourses informed by both secular socialist and capitalist models. Despite the inevitable strains across what is an immensely diverse nation, India has remained a



democratic country. Clearly, religious revivalism, caste conflicts, separatist movements, language movements and economic neo-liberalism have all tested the democratic structure but so far the foundations have held. As India emerges as a global power on the back of industrial capitalism, its particular approach to democracy and diversity will provide an important alternative to America and other western countries, whose political and legal traditions so influenced the founders of independent India.

The final part of this personal account is also relevant to our discussion, since my subsequent research and teaching has engaged with global migration to Britain and the settlement of Bangladeshi Muslims in London, in particular. I focussed on the ways in which the second generation engaged in local politics in order to challenge racist exclusion and to work for a fairer deal for fellow Bangladeshis in such areas as housing, education, jobs and amenities. During the 1980s this development of identity politics was predominantly secular and leftist ideologically, reflecting the interests of political elites back in the country of origin after the creation of an independent Bangladesh in 1971.

The political and ideological focus changed considerably during the late 1980s and throughout the 1990s as local and global processes interwove. The issue of Muslim identity became increasingly prominent in Bangladesh, across the so-called 'Muslim world' and into the West – a complex process driven by such developments as the collapse of communist regimes in Russia and eastern Europe, American policies and interventions in the Gulf, Middle East and Afghanistan, an Islamisation process encouraged by such key states as Saudi Arabia and Iran in different ways, and the migration and settlement of Muslims in West Europe and N. America.

In the context of London these developments impact on the issues of democracy and diversity in the following way. They raise the question of the ways in which minority groups engage with established systems of representative politics. If they do this through a politics of religious identity, who is going to represent 'British Muslims', for example, and what is the basis of their claims to represent others?

In the reaction against multicultural policies after '9/11' in New York and the '7/7' bombings in London, how do British Muslim leaders engage with the central government's emphasis on social cohesion and the security forces' attempt to counter terrorism? How do British Muslims engage with secular political and cultural traditions, which may be seen as 'unIslamic'? How do British and other western democratic traditions differ from and engage with Islamic discourses concerning democracy and diversity? Is a European Islam emerging as Tariq Ramadan and other Muslim scholars suggest, through this engagement – an engagement which seeks to interpret Islamic texts (*ijtihad*) in the context of contemporary, changing societies.

We all have different experiences, of course, and I have only offered mine as a way of introducing processes which have to be considered in any discussion of democracy and diversity. I would like to outline in a very general way processes bound up with nations, nationalism, colonialism and post-colonialism, globalisation and transnationalism.

## **2. Nations and Nationalism**

The processes outlined above have a longer history, of course. Although scholars differ in their definitions of the nation and when nations emerged, I am going to follow the approach, which sees nations emerging during the later 18<sup>th</sup> and early 19<sup>th</sup> century in the west. Two key events heralded the advent of the nation – the American War of Independence and the French Revolution. The creation of the USA was based around ideological beliefs in the sovereignty of the people united under a legal system underpinned by a written constitution, even if black slaves were in practice excluded from equal rights.

The belief that a nation should be based on the democratic will of the people was current in Europe too and French republicans both influenced and were inspired by events in America.

The French Revolution led not only to the abolition of monarchy and the resounding slogan – liberty, equality, fraternity – but also to an assertive French nationalism, whose civilising, democratic mission was to be exported to other parts of Europe. In the French model democracy was based on cultural homogeneity rather than diversity – at least in the public realm. The rights, which all French people shared under a written constitution, were grounded in a shared language, which was the vehicle for a secular, enlightened and civilised culture.

So we see here the emergence of two republican nations where citizenship rights were legally supported through a written constitution and where democracy was, ideally at least, available to all citizens regardless of race, religion and gender. Social inequalities and cultural diversity complicated the political-legal model, of course. Although both nations used linguistic uniformity as a national cement, they adopted different approaches towards cultural diversity.

During the 19<sup>th</sup> century and the first half of the 20<sup>th</sup> century the American WASP political and social elite encouraged a policy of long term assimilation through the vehicle of the English language as the nation's population rapidly expanded with immigration from both Europe and China. Racial and religious differences played a major role in public debates and struggles (the American Civil War and the tensions between Protestants and Catholics, for example).

In France during the 19<sup>th</sup> century the key political struggle was between monarchical/imperial rule and republicanism, which had been resolved in favour of republicanism by 1900. Despite France's formal commitment to secular republicanism after 1870, racial and religious tensions continued to intrude on the public stage with such events as the trial of a Jewish officer (the Dreyfus case) and the anti-Semitic beliefs and practices it exposed, as well as the anti-clerical actions of socialist governments.

Unlike the USA, France's social and cultural divisions were not significantly shaped by immigration – rather, like Britain and other W. European countries, they were countries of emigration as people sought opportunities in the Americas (Italians emigrated to Argentina as well as the USA, for example) and in the expanding colonies.

### **3. Nation and State**

The founders of republican America and France focussed on the rights of citizens within a nation and government was supposed to facilitate those rights. With the growth of complex urban, industrial societies in N. America and W. Europe from the late 19<sup>th</sup> century, government expanded at both central and local levels. The state as a set of institutions, broader than just the political system of parties and decision-making assemblies, developed as it took responsibility for such issues as education, housing, healthcare, policing, amenities and socio-economic planning. A bureaucratic elite rapidly developed, which worked for and frequently against the government in power.

Two key questions were raised about the relationship between the nation and state. To what extent were western nations truly democratic in practice rather than in theory? To what extent did the state rule on behalf of loosely connected elites (bureaucratic, political, military, social and economic) rather than the nation as whole? In other words, to what extent was power concentrated in the hands of the few and to what extent was power distributed across society in an open democratic fashion?

Two main responses to these questions have been developed during the 19<sup>th</sup> century onwards. The liberal response appears to see western societies as fundamentally open and democracy as a work in progress. Openness enables these societies to accommodate the diversity created by economic (class) differences, by race, religion, language, gender etc. The rights of minorities are protected by constitutional means as in Canada, civil rights cam-

paigns as in the USA or power-sharing agreements through regional devolution as in Spain, Belgium and the UK.

The radical perspective is strikingly different, of course. It is usually informed by an 'instrumentalist' view of the nation as 'often a self-conscious and manipulative project carried out by elites who seek to secure their power by mobilising followers on the basis of nationalist ideology' (Calhoun 1997:30). In Marxist versions of instrumentalism the state works through structures of power and domination to maintain the interests of capitalist elites rather than the whole nation.

Social and cultural diversity has to be understood in the context of class division and class struggle, where elites can manipulate others by exploiting the differences between them. For instrumentalists, then, the nation-state link is suspect and explains the suspicion among Leftist political parties in W. Europe towards nationalism and their enthusiasm for international collaboration embodied in such slogans as 'workers of the world unite' and international socialism. True democracy for such political groups lies in the collapse of capitalism.

#### **4. Nationalism, Colonialism and Decolonisation**

My location of democratic nation-states in a particular historical period (the 19<sup>th</sup> and early 20<sup>th</sup> century – see Gellner 2006) and region of the world (W. Europe and N. America) is open to challenge from the radical perspective and reflects my own social position as a western academic. I assume that other perspectives will be proposed at the Pretoria meeting. Whatever our disagreements we now live in a world of nation-states, however strong, weak, 'failed' or failing these may be, and this contemporary state of affairs is clearly bound up with nationalist independence movements and decolonisation. As western nations carved out colonial territories across the globe and sought to justify their colonial regimes, they found that nationalist aspirations could not be confined to the metropolitan centre.

In India, of example, British administrators faced an increasingly hostile indigenous political elite, which was trained in western political and legal ideals and sought independence for an Indian and Pakistani nation. British and other western colonial powers sought to justify their regimes in a number of ways but two main, related claims emerged – the argument of superiority (intellectual, racial, political) based on a civilising mission (French culture, for example) and the immaturity of the colonised peoples (they would be ready for independence but in the future).

These claims became more difficult to sustain in the aftermath of a barbaric First World War between 'civilised' European nations, while the Second World War left a new Labour government in Britain unwilling to pay the economic price of trying to hold on to the Indian sub-continent. The politicisation of religion between Hindus and Muslims, in which British policies played an important role, left divisions, which still influence political conflicts within India and between India and its Muslim-majority neighbours (Pakistan and Bangladesh).

The collapse of British rule in India and the failure of France to hold on to its colonies in south-east Asia encouraged nationalists in Africa and elsewhere. This process of decolonisation, which accelerated during the 1950 and 1960s, was encouraged by American hostility towards W. European colonialism, its business elites' desire to gain access to those colonial markets, the exigencies of the Cold War and a global politics dominated by the two super-powers (USA and USSR). The world rapidly became a world of nation-states but questions quickly emerged about how these new nations were to act in a world dominated by the rivalry (economic, political and ideological) of two super-powers.

The first question, then, was whether independence really entailed freedom from external control or influence. Had colonialism been replaced by neo-colonialism or other forms of clientalism? The USA and the USSR competed to influence the political, military and business elites within newly independent countries. American multinational/transnational corporations, such as Coca Cola, MacDonalds, General Motors, Ford and Allied Foods, spread their

global reach throughout the 'free world', while American political and military elites sought to counter Russian and Chinese influence across Africa with its rich mineral deposits.

The evidence of super-power hegemonic control over various regions of the globe led academic and other commentators to question official discourse concerning the 'developing world'. The Latin American scholar, Andre Gunder Frank (1967, 1975), presented a powerful argument that the economies of Central and South America were structurally underdeveloped and were, therefore, unable to develop in their own way given the USA's hegemonic position. Wallerstein (1979) also pointed to the global inequalities between centres and peripheries as criticism of the development/modernisation thesis focussed on the continuing structural inequalities between North and South (see also Hoogvelt).

## **5. A New World Order after 1989? Post-Nationalism, Global Flows, Supra-National Networks, Global Cities and Globalisation from Below**

The collapse of the USSR and its satellites confirmed the belief of many western politicians and economists in the efficiency of the western capitalist model. Democracy was compatible with the deep socio-economic inequalities generated by capitalism, because societies were sufficiently open and mobile to allow movement across social and cultural divides. State socialism had clearly failed to deliver what people wanted so the argument went with Fukuyama (1992) and Ohmae (1996), for example, hailing the 'end of ideology' as the conflict between capitalism and communism had been resolved in the former's favour. America's position as the dominant global power promoting neo-liberal economic policies around the world seemed assured.

However, the situation was more complicated. With the rapid acceleration of global flows of people, information, and ideas through real and virtual means (the internet, mobile phone), even a superpower like the USA could not control these flows. Some 'hyperglobalisers' advanced the view that nationalism was being replaced or challenged by the development of post-nationalism (see Held 1999). Concern was increasing about such issues as global warming or global migration where solutions had to be sought through global means rather than at the level of each nation-state.

Although international agencies had long dealt with these broader issues, the use of the term 'global' indicated the ways in which solutions could not just be undertaken at the level of the nation. Global and local processes interwove in ways which both transcended the national level and operated at regional and more local levels (see, for example, Eade 1997).

The development of supra-national networks and institutions showed how the global and local were connected and the limitations of the national/international model. Those in W. Europe were particularly aware of this development through the expansion of the European Union during the 1970s, the entry of the 'A8' countries from east and central Europe in 2004 and Bulgaria and Romania in 2007 and others seeking entry (Croatia, Ukraine, Turkey). NAFTA and MERCOSUR are other examples of nations coming closer together in the Americas, although in a much more limited form it would appear.

Global migration and globalising cities also highlighted the limited ability of nation-states to control their borders. Although wealthy nations in the west sought to control immigration through state regulation and border policing, this did not deter many migrants arriving illegally – an arrival facilitated in many cases by traffickers. The limitations of nation-states were also highlighted by the competition between 'global' or 'globalizing' cities (see, for example, Sassen 1992, Marcuse and van Kempen 2000, Eade and Mele 2002) to attract foot-loose capital and highly educated migrants as neo-liberal capitalism encouraged the global flow of capital through the finance and banking sector.

Cities like New York, Tokyo, Shanghai, London and Frankfurt came to dominate these flows and to act on their own rather than the nation's interests. Events such as the '9/11' attack on the New York World Trade Centre, the Madrid and London '7/7' bombings and acts of

violence in Moscow also dramatically revealed that these cities could be objects of exemplary attack in a global 'war against terror'. Military interventions in Iraq, Afghanistan and Chechnya during the 1990s and the early 21<sup>st</sup> century have not only exacerbated tensions in Muslim-majority counties but also forged links between these countries and Muslim diasporas in W. Europe and Russia, which nation-states have struggled to come to terms with. Established global cities have also faced the challenge of globalising cities in the 'Asian tiger' economies and the 'emerging economies' (India, China, Brazil, for example) as global flows of capital have encouraged the development of their industrial and new technology centres.

The recent crises in the financial markets and the debates about how to reform the global capitalist system have reaffirmed the inability of nation-states to act on their own. Poor countries in the South are being badly affected by a global crisis engendered by the finance and banking sector in the rich North and Chinese measures to stem the crisis show that, in economic terms, we live in a multi-polar world rather than one dominated by the USA. At the same time, although the crisis shows the limitations of the national/international model, it also demonstrates the weaknesses of the post-national, hyperglobal perspective. Action at the global level still depends on agreements between national governments and international bodies such as the World Bank, the IMF, the UNO and its agencies.

## **6. Globalisation, Transnationalism and Multiculturalism**

Despite of all the changes created by the post-Second World War phases of globalisation (I follow Robertson (1992) and others who see globalisation as extending far back in time, at least to the 15<sup>th</sup> century – see also Gunder Frank and Gills 1996), national governments still remain significant players on the global stage. They seek to control global migration through state regulations and border controls, leading to academics to talk about transnational migration. Furthermore, they have responded to internal political pressures from ethnic revivalist movements through devolution as in Spain, Belgium and the UK.

The Canadian government has guaranteed minority rights at the federal level while certain Australian states have done the same at the more local level. Despite the current popularity of claims by Alibhai-Brown (2002) and others that W. European countries have abandoned multicultural practices, the reality is more complex (see Kymlicka 2007). Nation-states in the west are still supporting multicultural practices in general, even if they are questioning particular interpretations of multiculturalism and emphasising certain forms of social and cultural unity (Koopmans and Statham 1999).

Transnational migration is highly uneven, of course. In the European region national governments have sought to control certain categories of people, who have crossed those borders, i.e. refugees and asylum seekers, illegal immigrants and those suspected of terrorist sympathies or activities. Although the ability of nation-states to totally control global migration is limited as we have already seen, the British government is restricting legal immigration for non-EU citizens through the adoption of a points system modelled on Australian practice and has continued to deport 'undesirables' to their countries of origin. Like other western countries Britain wishes to take only skilled workers from outside the European Union, leaving migrants from the 'A8' countries of central and eastern Europe to provide the 'reserve army' of low paid, circular migrants.

While state powers have been used with increasing stringency by various countries in a supra-national European Union against certain 'enemies within', state support for welfare services and other forms of public involvement has been gradually curtailed. Again Britain has provided a striking example of this process since the 'Thatcherite revolution' of the 1980s and has encouraged other EU nations to adopt similar policies or at least try to reduce 'social welfarism' (see the policies pursued by Berlusconi in Italy and Sarkozy in France and current trade union resistance). The state has relied increasingly on civil society organisations to deliver the services it is no longer prepared to provide in the areas of housing and welfare, for example.

So the nation-state is still a key player in a world of uneven global flows but its role is changing and becoming more complex. I have focussed on the European region, where nations have their specific histories, transnational links and cultural diversities. Here the nation-state has increased its powers over 'outsiders' and 'insiders' in the areas of border control and internal surveillance, while it has ceded some of its social welfare powers to civil society organisations.

Furthermore, nation-states have become more flexible as they have devolved certain powers to regions – in the case of Belgium some would say that this process has gone too far - and guaranteed particular minority ethnic groups various rights in the struggle against inequalities and discriminatory practices. European nations have also to negotiate with the supra-national institutions of the EU. Once again nation-states remain significant players in the complex geometry of local, regional, national and supranational powers, since their retain room for manoeuvre through the principal of subsidiarity and deal-making through national alliances.

## **7. Democracy and Diversity – Globalisation From Below and Soft Power**

As nations engage with internal and external influences bound up with global flows and transnational networks, so the issue of cultural diversity becomes even more crucial. Diasporic communities are playing an increasingly important part in the flows of capital, goods, information and ideas between different regions of the world (see Cohen and Vertovec's discussion of cosmopolitanism, 2002, and Cohen's pioneering examination of 'global diasporas', 1997, which sparked a lively academic debate).

Some claim that in conjunction with ICT and new countries entering the 'global knowledge economy', these communities 'are creating a new form of globalisation, described by some as "globalisation from below", which is based on the interactions of people and small organisations across borders, cultures and distance' (Sami Mahroum with assistance from Brune Poirson, 'UK Global Innovation - Engaging with new countries, regions and people', October 2008.)

'Soft power' is being developed by India and China, for example, against the 'hard power' of American diplomacy, military might and economic strength through their links with diasporic communities around the world. Mahroum and Poirson note that 'Other countries including Australia, Brazil, Canada, Israel, South Korea, Taiwan and the US have shown how diasporas', immigrants' and foreign students' social networks can extend a country's business and economic relations'. They proceed to claim that cultural diversity, diasporic communities and transnational networks can benefit countries like Britain:

Through its cultural diversity, linguistic coincidence (English as a global lingua franca), migrant population, foreign students, international academics, and high level of ICT and transport connectivity, the UK is well placed to benefit from the rise of 'globalisation from below', particularly in the area of innovation.

So cultural diversity in democratic societies makes both economic and moral sense. Yet, in the enthusiasm for these aspects of globalisation, a darker side needs to be recognised and here I want to return to the earlier outline of developments since the collapse of western colonisation. Severe inequalities and exploitative relations have continued in a post-colonial world and in certain regions they have increased, it would appear. Although the world has become multi-polar through the emergence of powerful regions, such as the EU, the 'tiger economies', India, China, Brazil and a reviving Russia (see, for example, Yamashita and Eades 2003), other regions in the South have become even more marginalised and dependent.

Commentators blame the IMF and the World Bank for many of the ills which these marginalised regions experience. At the same time external influences bound up with the contradictory effects of global capitalism have combined with the strategies of political, military and

business elites within poor nations. Resistance to sharpening inequalities and exploitation by different sections of national populations also takes contradictory and complicated forms.

## **8. Conclusion**

Clearly history did not end with the collapse of the Berlin Wall in 1989 and the ending of the Cold War. America's role as the surviving superpower did not create a new world order nor did globalisation lead to global governance under the rule of international law, democratic institutions and an enforceable system of universal human rights. A more complex world has emerged through the global flow of people, information and ideas, the increasing multi-cultural diversity of nations and the related reassertion of national identities and the construction of new forms of state control.

As we argue in the conference call for the 2009 Cronem conference, traditional conceptions of nations and citizenship developed in the West and exported around the world are being questioned. In the context of democracy, understandings of citizenship are changing as people see civic engagement and participation as more effective for achieving social change than traditional forms of political representation. Political institutions are having to adjust in order to accommodate marginalised communities more effectively into democratic processes.

At the same time, ethnic diversity can mean that minorities are excluded from national projects. Calls to integrate or recourse to the 'melting pot' metaphor fail to acknowledge the complexities of societies, where minorities seek to protect their heritages and resist incorporation into the nation or state.

At the international level, the sovereignty of the nation-state has also been increasingly challenged in the name of protecting or asserting universal human rights. Regimes deemed oppressive by powerful external actors have also been subjected to sanctions or military intervention. National citizenship, with its attendant rights and obligations, is being reframed in the light of new expectations. The implications of this process for the future of states and their citizens remain unclear, but to some extent they are helping to erode national sovereignty in favour of participation at both sub-national and international levels.

The report 'Global Trends 2025' recently produced by the US National Intelligence Council (NIC) reflects some of these developments and questions. It talks about the growth of a multi-polar world, where 'the Western model of economic liberalism, democracy and secularism "may lose its lustre"' and suggests that 'we will hear less about democracy as a way of justifying policy than we have in recent years' (Paul Reynolds, World Affairs Correspondent BBC News website, <http://news.bbc.co.uk/1/hi/world/americas/7741237.stm>, accessed 21/11/2008).

In this more complex and, according to the NIC report, more dangerously unpredictable world, cultural diversity will play a crucial role through diasporic communities, transnational networks, ethnic revivalisms and state controls over certain 'enemies within' national borders. Different versions of democracy and diversity will be more obviously available – American neo-liberal, Canadian multi-cultural, EU social welfarist, Indian federalist, Chinese state capitalist, Russian mixtures of centralism, oligarcho-capitalism and resurgent nationalism etc. These versions will also engage with civil society institutions at national and international levels and this is where I hand over to the IDEA delegates and to the conference debate!

## References

- Alibhai-Brown, Y. (2002) 'After Multiculturalism', *Political Quarterly*, Vol. 72, Issue 1: 47 – 56.
- Calhoun, C. (1997) *Nationalism*, Minneapolis: University of Minnesota Press.
- Cohen, R. (1997) *Global Diasporas: An introduction*, London and New York: Routledge.
- and S. Vertovec (2002) *Conceiving Cosmopolitanism: Theory, Context and Practice*, Oxford University Press
- Eade, J. (ed.) (1997) *Living the Global City: Globalization as Local Process*, London and New York: Routledge.
- and C. Mele (eds) (2002) *Understanding the City*, Oxford: Blackwell Books.
- Fukuyama, F. (1992) *The End of History and the Last Man*, Free Press.
- Gellner, E. (2006) *Nations and Nationalism*, Oxford: Blackwell Publishing.
- George, Z. G. and A. Gunder Frank (2006) *China's Global Reach: Markets, multinationals, and globalization*, Fultus Corporation.
- and B. K. Gills (1996) *The World System: Five hundred years or five thousand?* London and New York: Routledge.
- Gunder Frank, A. (1975) *On Capitalist Underdevelopment*, Oxford: Oxford University Press.
- (1967) *Capitalism and Underdevelopment in Latin America: Historical Studies of Chile and Brazil*, Monthly Review Press.
- Held, D. (1999) *Global Transformations: Politics, economics and culture*, Stanford: Stanford University Press.
- Hoogvelt, A. (1997) *Globalization and the Postcolonial World*, Baltimore: Johns Hopkins University Press.
- R. Koopmans and P. Statham (1999) 'Challenging the liberal nation-state? Postnationalism, multiculturalism, and the collective claims making of migrants and ethnic minorities in Britain and Germany', *American Journal of Sociology*, Vol. 105 No. 3: 652–96.
- Kymlicka, W. (2007) 'The rise and fall of multiculturalism? New debates on inclusion and accommodation in diverse societies', paper prepared for UNESCO World Reports Unit.
- Marcuse, P. and R. van Kempen (eds) (2000) *Globalizing Cities: A new spatial order?*, Oxford, UK and Malden, Mass.: Blackwell Publishers.
- Ohmae, K. (1995) *The End of the Nation State: The rise of regional economies*, Free Press.
- Robertson, R. (1992) *Globalization*, London: Sage
- Sassen, S. (1992) *The Global City: New York, London, Tokyo*, Princeton: Princeton University Press.
- Wallerstein, I. (1979) *The Modern World System*, Cambridge: Cambridge University Press.
- Yamashita, S. and J. Eades (2003) *Globalization in Southeast Asia*, New York and Oxford: Berhahn



Annex 4

**How should democratic states deal with religious diversity: What can we learn from the Indian model?**

Rajeev Bhargava

I

It is widely believed that the best way to deal with religion in a democracy is to banish it from the public domain. Religion must be privatised. On this view, in the absence of such privatisation, religion must be controlled by the state. If it is true of the relationship of the State with one religion, it must be equally true of its relationship with all religions. There is no fundamental difference in the way state deals with many religions and the way it deals with one religion. Religious diversity is not a separate issue and can be subsumed under the manner in which the State deals with any one religion. It is also a common place that Secularism is precisely that political doctrine which justifies this strategy and the policies that flow from it.

In what follows, I challenge this view. I argue that much of the West has developed a reasonable strategy of the state's relationship with any *one* dominant religion. Accordingly, its conception of secularism is also shaped by this context of pre- dominantly single-religion society. This conception of secularism and the strategies that flow from it have increasingly, in recent times, come under severe strain. This is largely because of an intensified globalisation and the migration of millions of people into the metropolis from the former colonies. This has brought to the West a form of deep religious diversity the like of which it has not witnessed in modern times.

In order to deal with this deep religious diversity or plurality the West must either go back in time and look for resources in its own medieval period (though it can do so only by forsaking its commitment to ideals of equality and modern freedom) or turn attention to other conceptions of secularism and patterns of religion-state relationship developed outside the West. The model developed in the sub-continent, especially in India, provides one such alternative conception. Without taking it as a blue print, the West must examine the Indian conception and learn from it.

II

Allow me to begin by elaborating what I mean by deep religious diversity. There are two types of diversity seen in the Indian context. One, horizontal diversity- No religion exists with only one interpretation of its core beliefs and practices. There always exist multiple interpretations of these beliefs and practices. Thus, there are different 'sects' within the same religion, for instance the *Shaivites* and the *Vaishnavites* within Hinduism, *Shias* and *Sunnis* within Islam, Protestants and Catholics within Christianity, Theravada and Mahayana Buddhism. Then there is vertical diversity because some members are excluded from the dominant practices and are forced to develop their own practices. For instance, Dalits and women within Hinduism have developed their own practices specific only to them.

The Dalits in South India have established their own temples where only priests of their castes perform puja and women in India have evolved certain practices of fasting, like the Karvachauth puja that are exclusive to them. Endemic to all forms of diversity is either the possibility of peaceful co-existence, minimally peaceful co-existence and toleration or even more likely, exclusion, oppression, marginalization, structural humiliation, degradation and discrimination. All these can be subsumed under one broader category which I call domination.

In short, given that there is diversity between and within religions and given also that domination is endemic to diverse societies, there are two types of religion-related dominations: inter religious and intra-religious. Inter-religious domination exists when members of one religious community dominate members of another religious community. Intra-religious domination exists when some members of a religious community dominate members of their own religion.

Western secularism is quite strong in meeting the threat of intra-religious domination. In fact, it was historically this type of domination – for example, that of the clergy over laypersons, that eventually propelled the formation of secular states in western societies. Other examples of intra-religious domination include the exclusion of “outcastes” from Hindu temples, the prohibition of Roman Catholic women to conduct the Holy Mass, the discrimination faced by homosexuals in many Christian societies, and the legal discrimination in many Muslim societies which holds on par the evidence of two women with that of a single male.

However, western secularism is unable to properly meet inter-religious repression, in which members of one religious community oppress members of another religious community. The persistent persecution of Jews in much of European history comes immediately to mind. In recent times, as Islamophobia grips the imagination of several western societies, it is very likely that their Muslim citizens face disadvantage only on account of membership in religious community. Mainstream western secularism is not as well equipped to deal with deep religious diversity and is insensitive to the inter-religious domination endemic in its midst.

### III

#### *Mainstream Western Conception of Secularism*

Can western secularism reinvigorate itself and deal with the new reality of the vibrant presence of multiple religions in public life and accompanying social tensions? The dominant self understanding of western secularism is that it is universal doctrine requiring the strict separation (mutual exclusion) of church/religion and state, for the sake of individual liberty and equality (including religious liberty and equality). The social/historical context of this self – understanding was the fundamental problem faced by modernizing western societies: the tyranny, oppression and sectarianism of the church and the threats to liberty these posed – to individual religious liberty (the liberty of an individual to seek his own personal way to God/individual freedom of conscience), and to liberty more generally as (ultimately) the foundations of common citizenship.

To overcome the problem, modernizing western societies needed to create or strengthen an alternative centre of public power completely separate from the church. To achieve this, the state had to extricate itself from a hegemonising religion, sometimes forcefully. Some force against the church was necessary for the sake of both religious liberty and liberty more generally (hence, the anti-religious flavour of secular states). Moreover, the rigidity of the demand for separation here is unmistakable – mutual exclusion (a wall, as Thomas Jefferson famously put it) between the two relevant institutions, one intrinsically and solely public and the other expected to retreat into the private domain and remain there. The individualist underpinnings of this view are also fully evident.

The classic, western conception of secularism was designed to solve the internal problem of a single religion with different heresies – Christianity. It also appeared to rest on an active hostility to the public role of religion and an obligatory, sometimes respectful, indifference to whatever religion does within its own internal, private domain. As long as it is private, the state is not meant to interfere.

It is now increasingly clear that this form of western secularism was not designed for societies with deep religious diversity and that it has persistent difficulties coping with community-oriented religions such as Roman Catholicism, Islam, some forms of Hinduism and Sikhism that demand a public presence for themselves – particularly when they begin to co-

habit the same society. This individualistic secularism is not only challenged outside western societies but also from within. In fact, the western form of secularism has become part of the problem.

#### **IV**

##### *Indian Model of Secularism*

There is another model of secularism, one not generated exclusively in the west, which meets the needs of deeply religiously diverse societies and also complies with principles of freedom and equality: the Indian model. With the existence of deep religious diversity, in India, we have had to respond not only to problems within religions but also between religions. Therefore, the Indian model deals simultaneously with both intra- and inter-religious forms of domination.

Although not available as a doctrine or theory, a conception not available as a doctrine or a theory but worked out jointly by Hindus and Muslims in the subcontinent, and available loosely in the best moments of inter-communal practice in India; and in the country's constitution appropriately interpreted.

Six to seven features of the Indian model are striking and relevant to wider discussion. First, multiple religions are not extras, added on as an afterthought but present at its starting-point, as part of its foundation.

Second, it is not entirely averse to the public character of religions. Although the state is not identified with a particular religion or with religion more generally (there is no establishment of religion), there is official and therefore public recognition granted to religious communities.

Third, it has a commitment to multiple values - liberty or and equality, not conceived narrowly as pertaining to individuals but interpreted broadly to cover the relative autonomy of religious communities and equality of status in society, as well as other more basic values such as, peace and toleration between communities. This model is acutely sensitive to the potential within religions to sanction violence.

Fourth, it does not erect a wall of separation between state and religion. There are boundaries, of course, but they are porous. This allows the state to intervene in religions, to help or hinder them. This involves multiple roles: granting aid to educational institutions of religious communities on a non-preferential basis; or interfering in socio-religious institutions that deny equal dignity and status to members of their own religion or to those of others (for example, the ban on untouchability and the obligation to allow everyone, irrespective of their caste, to enter Hindu temples, and potentially to correct gender inequalities), on the basis of a more sensible understanding of equal concern and respect for all individuals and groups. In short, it interprets separation to mean not strict exclusion or strict neutrality but rather what I call principled distance.

Fifth, this model shows that we do not have to choose between active hostility or passive indifference, or between disrespectful hostility or respectful indifference. We can combine the two: have the necessary hostility as long as there is also active respect: the state may intervene to inhibit some practices, so long as it shows respect for other practices of the religious community and it does so by publicly lending support to them.

Sixth, by not fixing its commitment from the start exclusively to individual or community values or marking rigid boundaries between the public and private, India's constitutional secularism allows decisions on these matters to be taken within the open dynamics of democratic politics - albeit with the basic constraints such as abnegation of violence and protection of basic human rights, including the right not to be disenfranchised.

Finally, this commitment to multiple values and principled distance means that the state tries to balance different, ambiguous but equally important values. This makes its secular ideal more like a contextual, ethically sensitive, politically negotiated arrangement (which it really is), rather than a scientific doctrine conjured by ideologues and merely implemented by political agents.

A somewhat forced, formulaic articulation of Indian secularism goes something like this. The state must keep a principled distance from all public or private, individual-oriented or community-oriented religious institutions for the sake of the equally significant (and sometimes conflicting) values of peace, this-worldly goods, dignity, liberty and equality (in all its complicated individualistic or non-individualistic versions).

Discerning students of western secularism may now begin to find something familiar in this ideal. But then, Indian secularism has not dropped fully formed from the sky. It shares a history with the west. In part, it has learnt from and built on it. Indian secularism may be seen to be a route to retrieving the rich history of western secularism - forgotten, under emphasised, or frequently obscured by the formula of strict separation. If so, western societies can find reflected in it not only a compressed version of their own history but also a vision of their future.

## **V**

### **More on two critical features of Indian Secularism**

#### *Principled Distance*

Let me elaborate in somewhat greater detail two of the key features of Indian secularism, namely, Principled Distance and its context. The policy of principled distance entails a flexible approach on the question of inclusion/exclusion of religion and the engagement/disengagement of the state, which at the third level of law and policy depends on the context, nature or current state of relevant religions. This engagement must be governed by principles undergirding a secular state, i.e. principles that flow from a commitment to the values mentioned above. This means that religion may intervene in the affairs of the state if such intervention promotes freedom, equality or any other value integral to secularism.

For example, citizens may support a coercive law of the state grounded purely in a religious rationale if this law is compatible with freedom or equality. Equally, the state may engage with religion or disengage from it, engage positively or negatively but it does so depending entirely on whether or not these values are promoted or undermined. A state that intervenes or refrains from interference on this basis keeps a principled distance from all religions. This is one constitutive idea of principled distance. This idea is different from strict neutrality, i.e. the state may help or hinder all religions to an equal degree and in the same manner, that if it intervenes in one religion, it must also do so in others. Rather, it rests upon a distinction explicitly drawn by the American philosopher, Ronald Dworkin between equal treatment and treating everyone as an equal.

The principle of equal treatment, in the relevant political sense, requires that the state treat all its citizens equally in the relevant respect, for example in the distribution of a resource of opportunity. On the other hand, the principle of treating people as equals entails that every person or group is treated with equal concern and respect. This second principle may sometimes require equal treatment, say equal distribution of resources but it may also occasionally dictate unequal treatment. Treating people or groups as equals is entirely consistent with differential treatment. This idea is the second ingredient in what I have called principled distance. I said that principled distance allows for differential treatment. What kind of treatment do I have in mind?

First, religious groups have sought exemptions from practices in which states intervene by a promulgating a law to be applied neutrally to the rest of society. This demand for non-

interference is made on the ground either that the law requires them to do things not permitted by their religion or prevents them from doing acts mandated by it. For example, Sikhs demand exemptions from mandatory helmet laws and from police dress codes to accommodate religiously required turbans.

Elsewhere, Jews seek exemptions from Air Force regulations to accommodate their yarmulkes. Muslims women and girls demand that the state not interfere in their religiously required chador. Jews and Muslims seek exemption from Sunday closing laws on the ground that this is not required by their religion. Principled distance allows then that a practice that is banned or regulated in one culture may be permitted in the minority culture because of the distinctive status and meaning it has for its members.

For many republican or liberal theories this is a problem because of their simple, some what absolutist morality that gives overwhelming importance to one value, particularly to equal treatment or equal liberty. Religious groups may demand that the state refrain from interference in their practices but they may equally demand that the state interfere in such a way as to give them special assistance so that these groups are also able to secure what other groups are able to routinely get by virtue of their social dominance in the political community.

It may grant authority to religious officials to perform legally binding marriages, to have their own rules or methods of obtaining a divorce, its rules about relations between ex-husband and ex-wife, its way of defining a will or its laws about post mortem allocation of property, arbitration of civil disputes, and even its method of establishment of property rights. Principled distance allows the possibility of such policies on the grounds that it might be unfair to hold people accountable to an unfair law.

However, principled distance is not just a recipe for differential treatment in the form of special exemptions. It may even require state intervention in some religions more than in others, considering the historical and social condition of all relevant religions. For the promotion of a particular value constitutive of secularism, some religion, relative to other religions, may require more interference from the state. For example, suppose that the value to be advanced is social equality. This requires in part undermining caste hierarchies. If this is the aim of the state, then it may be required of the state that it interferes in caste-ridden Hinduism much more than say Islam or Christianity. However, if a diversity-driven religious liberty is the value to be advanced by the state, then it may have to intervene in Christianity and Islam more than in Hinduism.

If this is so, the state can neither strictly exclude considerations emanating from religion nor keep strict neutrality with respect to religion. It cannot antecedently decide that it will always refrain from interfering in religions or that it will interfere in each equally. Indeed, it may not relate to every religion in society in exactly the same way or intervene in each religion to the same degree or in the same manner. To want to do so would be plainly absurd. All it must ensure is that the relationship between the state and religions is guided by non-sectarian motives consistent with some values and principles.

### *Contextual secularism*

Contextual secularism is contextual not only because it captures the idea that the precise form and content of secularism will vary from one to another context and from place to place but also that it embodies a certain model of contextual moral reasoning. This it does because of its character as a multi-value doctrine. To accept that secularism is a multi-value doctrine is to acknowledge that its constitutive values do not always sit easily with one another. On the contrary, they are frequently in conflict. Some degree of internal discord and therefore a fair amount of instability is an integral part of contextual secularism. For this reason, it forever requires fresh interpretations, contextual judgments and attempts at reconciliation and compromise. No general a priori rule of resolving these conflicts exist; no

easy lexical order, no pre-existing hierarchy among values or laws that enables us to decide that, no matter what the context, a particular value must override everything else.

Almost everything then is a matter of situational thinking and contextual reasoning. Whether one value overrides or is reconciled with another cannot be decided before hand. Each time the matter presents itself differently and will be differently resolved. If this is true, then the practice of secularism requires a different model of moral reasoning than the one that straightjackets our moral understanding in the form of well delineated, explicitly stated rules. This contextual secularism recognizes that the conflict between individual rights and group rights or between claims of equality and liberty or between claims of liberty and the satisfaction of basic needs cannot always be adjudicated by a recourse to some general and abstract principle.

Rather they can only be settled case by case and may require a fine balancing of competing claims. The eventual outcome may not be wholly satisfactory to either but still be reasonably satisfactory to both. Multi-value doctrines such as secularism encourage accommodation – not the giving up of one value for the sake of another but rather their reconciliation and possible harmonization i.e. to make each work without changing the basic content of apparently incompatible concepts and values.

This endeavour to make concepts, viewpoints and values work simultaneously does not amount to a morally objectionable compromise. This is so because nothing of importance is being given up for the sake of a less significant thing, one without value or even with negative value. Rather, what is pursued is a mutually agreed middle way that combines elements from two or more equally valuable entities.

The roots of such attempts at reconciliation and accommodation lie in a lack of dogmatism, in a willingness to experiment, to think at different levels and in separate spheres and in a readiness to take decisions on a provisional basis. It captures a way of thinking characterized by the following dictum: ‘why look at things in terms of this or that, why not try to have both this and that.’

In this way of thinking, it is recognized that though we may currently be unable to secure the best of both values and therefore be forced to settle for a watered-down version of each, we must continue to have an abiding commitment to search for a transcendence of this second best condition. It is frequently argued against Indian secularism that it is contradictory because it tries to bring together individual and community rights, and that articles in the Indian Constitution that have a bearing on the secular nature of the Indian state are deeply conflictual and at best ambiguous.

This is to mis-recognise a virtue as a vice. In my view, this attempt to bring together seemingly incompatible values is a great strength of Indian secularism. Indian secularism is an ethically sensitive negotiated settlement between diverse groups and divergent values. When it is not treated as such, it turns either into a dead formula or a façade for political manoeuvres.

I hope to have demonstrated that there are at least two secularisms, one mainstream western and the other which provides an alternative to it and embodied in the Indian model. I do not wish to suggest that this alternative model is found only in India. The Indian case is meant to show that such an alternative exists. It is not meant to resurrect a dichotomy between the West and the East. I am quite certain that this alternative version is embedded in the best practices of many states, including those Western states that are deeply enamoured by mainstream political secularism.

My objective in this paper was to draw attention to the point that political theorists do not see the normative potential in the secular practices of these different states because they are obsessed with the normativity of just one variant, the mainstream model of secularism. This problem afflicts the self-understanding of secularism in not only many western coun-

tries but also in India. Western states need to improve the understanding of their own secular practices just as western secularism needs a better theoretical self-understanding.

Rather than get stuck on a model they developed at a particular time in their history, they would do well to more carefully examine the normative potential in their own political practices or to learn from the original Indian variant. Equally, both the self-proclaimed supporters of secularism and some of its misguided opponents in India could learn from examining the original Indian variant. Indeed it is my conviction that many critics of Indian secularism will embrace it once they better understand its nature and point, something that can be done only when we loosen the grip of one model of secularism and recognize the existence of multiple secularisms.

I have argued that current models of Western Secularism are unable to deal particularly with inter-religious domination. This is evident in the failure of many western European States to deal with the issue of headscarves, the demand by Muslims for public funding of their schools, the cartoon controversy in Denmark, the demand by Muslims to build mosques and therefore to properly practice their own faith. I think, many western States would do well to learn from the experiences of other countries which had centuries of deep religious diversity. They would do well to modify their own conceptions of secularism which developed in a context of religious homogenisation.

## **VI**

### ***Some Possible Implications for Policy***

- The State cannot avoid having or endorsing a policy towards religion or religious organizations. Religion plays an important part in the lives of many people and religious institutions function in this world like other purely secular institutions. So, separation cannot mean the exclusion of religion from the domain of the State.
- Separation of Church and State should also not be interpreted as absolute or strict neutrality. No State can possibly help or hinder all religions in the same manner and to the same degree.
- The State may interfere with religion and refrain from such interference depending entirely on which of these promotes the values of freedom and equality.
- Values of freedom and equality must be interpreted both as rights of individuals, and wherever required, as rights of communities. Community rights are particularly important if religious groups are vulnerable or, because of their small number, have relatively little power to influence the process of decision making.
- Secularism must be neither servile nor hostile to religion. It must manifest an attitude of neither blind deference nor indifference but of critical respect towards all religions.
- Secularism which professes principled distance and is sensitive to multiple values cannot avoid making contextual judgements. Contextual judgements allow for ethically sensitive balancing and compromise.
- Those who think that they are emancipated from religion or believe that their own religion is emancipated, but not that of others, should accept with humility that none of its achievements are irreversible. They should also not fail to remember the history of oppressions within their own respective religions as well as the repressive policies of many secular States. As more and more societies become multi religious, a sense of vulnerability of ones' own religions, indeed of one's own world view will be crucial for a peaceful and just world order.
- Secularism must be de-christianised, de-Westernised, de-privatised and de-individualized. In saying so, I do not mean that it should wholly sever its links with Christianity, the west and so on. But it should loosen its ties with these. For example, it should be able to accommodate other civilizational sources and community-

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based rights, publicly-oriented religions and so on. Only with this form of secularism and a State nourished by it, can deep religious diversity be managed.



*Annex 5*

**Democracy and Diversity: Challenges in Managing Diversity in Africa**

Paper Presented by Ozias Tungwarara<sup>1</sup>, Pretoria, 26 – 27 November, 2008

**Introduction**

This paper seeks to highlight challenges faced in managing diversity in selected African countries. The paper will describe some of the consequences of failure to effectively manage diversity in places such as Rwanda and the Sudan. More specifically it will discuss efforts to manage diversity in young democratic nations of Southern Africa namely South Africa, Malawi and Mozambique.<sup>2</sup>

Diversity within and among human societies is a result of a number of factors that include ethnicity, culture, religion, race, class, gender, geography and history. A strong indicator of a successful democracy is the extent to which the political system is inclusive and members of the community are treated as equals. It is important therefore that diversity is properly managed if democracy is to be strengthened and institutionalized. Africa is no exception to the challenges posed by diversity. In fact the challenges are exacerbated by the legacy of colonialism that bequeathed Africa with weak and at times ineffectual states.

Competition for resources and contestation for state power has seen the exploitation of diversity in order to gain advantage over rivals. While diversity will remain a permanent feature of human existence, post independence Africa has witnessed some spectacular failures to manage diversity that have resulted in unprecedented human suffering. Yet, if effectively managed, diversity is a critical ingredient for vibrant democracies because it requires plurality and inclusion.

**Democratic Progress and Challenges in Africa**

Since the end of the cold war the continent has made significant progress regarding consolidation of democratic governance. About two decades ago the continent's political landscape was characterised by one party authoritarian regimes, gross violations of basic rights, protracted violent conflicts, etc. The continent has steadfastly sought deeper political and economic integration aimed at accelerating development. The end of apartheid in South Africa in 1994 gave added impetus to political liberalization on the continent. Progress has been made regarding democratic transition in most parts of the continent. Most national constitutions provide protections for citizens' rights as well as a governance structure that provides for participation, representation and accountability.

At the continental level normative frameworks have been adopted that if enforced will promote good governance. Examples include the recently adopted Charter on Democracy, Elections and Governance. More than half of African countries have voluntarily signed up to the APRM process. Long-standing violent conflicts such as in Angola, Mozambique, Burundi, Democratic Republic of the Congo (DRC), Liberia, Sierra Leone, Côte d'Ivoire, etc have been resolved – or in some cases at least progress has been made towards resolution – through dialogue.

Despite the gains, the continent continues to face challenges related to institutionalization of democratic governance. Institutions of governance are weak. While the AU and sub-regional groupings such as SADC, ECOWAS and EAC have moved the continent from non-

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<sup>1</sup> Director, Africa Governance Monitoring and Advocacy Project (AfriMAP), [www.afriMAP.org](http://www.afriMAP.org)

<sup>2</sup> The discussion of the three Southern African countries is based on research carried out by the Africa Governance, Monitoring and Advocacy Project (AfriMAP), a project of the Open Society Institute (OSI), whose aim is to monitor African governments' compliance with governance commitments made under AU treaties. Some of the areas that the AfriMAP research inquires into are citizenship, equality and discrimination under the broad topic of political participation.

interference to non-indifference, democratic norms and standards that countries are adopting at the AU level are hardly implemented at the national level. The executive branch of government has remained the dominant player in political processes, crowding out other players such as parliaments, political parties and civil society. The spectre of reversal is a real possibility in light of weak and often undermined institutions of governance such as legislatures, judiciary, civil society, political parties, media, etc. The dominance of the executive is also played out at the continental level.

Gains in political freedoms have not translated into improvements in the quality of peoples' lives. In most instances poverty levels have continued to rise while several countries have experienced economic growth without prosperity. Africa remains the continent's poorest region and continues to fall further and further behind all other regions of the world. The continent's entire economic output is just 1.3 per cent of world GDP. Economic and social indicators are not encouraging; it is the only region where per capita investment and savings has declined since 1970; where school enrolment is falling and illiteracy is still commonplace; the only region where life expectancy is falling. Sub-Saharan Africa is home to 10% of the world's population but bears more than 70% of the world's HIV/Aids cases.

The New Partnership for Africa's Development (NEPAD) that aims to promote democratic principles, popular participation, good governance and sound economic management was a bold attempt to respond to Africa's precipitous decline. The expectation was that through NEPAD and processes such as the APRM, Africa would improve its terms of trade with the rest of the world, increase investment and aid as well as implement debt relief packages. The hope was to channel \$64 billion a year to NEPAD's partner states for a period of fifteen years lifting annual growth to 7per cent and reducing poverty by half by 2015. These targets are far from being met.

The socio-economic circumstances described above are fertile ground for conflicts along ethnic, religious, racial and other grounds. Most serious conflicts in Africa have their roots in failing to manage diversity.

### **Failure to Manage Diversity**

Probably the most horrific results of failure to manage diversity were in Rwanda. *"From 6 April 1994, a government dominated by Hutus tried to exterminate Tutsis. The killings were carried out mainly with simple tools: machetes and clubs studded with nails. To be chopped or bludgeoned to death takes time; some Tutsis paid to be shot instead. Sometimes the task of killing all the Tutsis on a particular hillside took several days. The executioners had to rest each evening and so victims had their Achilles tendons cut to prevent them from running away .....* <sup>3</sup>

This is just one of many narratives of Rwanda's genocide. The cyclical violent conflicts in Rwanda, Burundi, DRC, and Uganda are due to a variety of complex and inter-related factors, chief of which is failure to manage diversity. In the case of Rwanda, conflicts between the majority Hutus and minority Tutsis may have pre-dated the colonial period but they were never as horrendous as the post-independence bloodbaths. Blame for the recurring conflict in Rwanda and Burundi among the Hutus and Tutsis has been largely ascribed to the Belgian colonial legacy that accentuated differences between the two ethnic groups.

However, to simply blame the Rwanda and Burundi conflicts on colonial legacy is an easy way out. Post independence leaders that planned and carried out acts of genocide on ethnic grounds are equally to blame and should be held accountable. As long as there are no effective institutions and processes to mediate between competing interests, the great lakes region will continue to be dogged by conflicts.

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<sup>3</sup> *The Shackled Continent: Africa's Past, Present and Future*: Robert Guest; 2005 Pan Macmillan, pp 111-112.

Protracted conflicts in Sudan and Chad occur along Muslim North and non-Muslim South as well as Arab and African fault lines. In Sudan as the British departed in the 1950s, the Northerners moved in to replace the British administrators sparking fears about northern domination. Attempts to foster national unity in Sudan through imposition of Islam and contempt for Christianity, indigenous religions, languages and customs, has been a major source of civil strife in the Sudan. The long war waged by the Sudan People's Liberation Movement (SPLM) against the Khartoum government is evidence of yet another failure to manage diversity.

The current crisis in the Darfur region of western Sudan that has caused untold suffering to ordinary citizens is a result of allegations that the government is oppressing black Africans in favour of Arabs. Tensions have simmered for many years over land and grazing rights between the mostly nomadic Arabs, and farmers from the Fur, Massaleet and Zaghawa communities. In 2003 rebel groups started attacking government targets accusing the government of neglecting the region. Although the government has denied any links to the Janjaweed militia that is accused of trying to cleanse the Darfur region of black Africans, it has admitted to mobilising militias for self-defence. The Darfur crisis has resulted in more than 300,000 deaths and more than 2 million displaced people since the crisis erupted in 2003.

There are many other instances that can be cited in Africa where shortcomings in managing diversity has caused gross violations of human rights, untold human suffering, national and regional instability and a waste of much needed resources for national development. Some of the ongoing situations include conflicts in the DRC, Nigeria, Algeria, Western Sahara, Uganda, Cote d'ivoire, Somalia, etc.

### **Challenges in Managing Diversity**

Southern Africa has fared relatively well in managing diversity compared to the rest of Africa. It has however had its fair share of challenges that include Apartheid in South Africa, conflicts in Angola and Mozambique, the crisis in Zimbabwe, issues of minority rights in Botswana and Namibia. It should be acknowledged from the outset that there is no one size fits all solution to managing diversity. At the same time it must be acknowledged that a democratic system of governance is best suited to managing diversity.

Most southern African countries have been undergoing democratic transition, some with more success than others. Central to such transition has been constitution making and constitutionalism. The wave of democratization that brought an end to one party state rule in Zambia, Malawi and Tanzania and the racist regimes in Namibia and South Africa saw the ushering in of new constitutions that provided for the inclusion of all segments of society in a country's political and socio-economic processes.

A scan of most constitutions of southern African countries confirms that they all provide for an inclusive political nation and equal state citizenship of all who live within the territory. The notion of equal citizenship and safeguards against discrimination are common features in most southern African national constitutions. Probably the most progressive is the South Africa constitution that sought to overcome the legacy of racism and discrimination borne out of South Africa's history as a country of white minority rule and white racial preference.

Section 9 of the South African Constitution provides an "equality clause" that prohibits the state or any person from unfairly discriminating against anyone on the basis of race, gender, sex, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.<sup>4</sup> Section 20 of the Malawi constitution provides that "Discrimination of persons in any form is prohibited and all persons are, under any law, guaranteed equal and effective protection against discrimination on grounds of race, colour, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disabil-

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<sup>4</sup> Constitution 1996, chapter 2, section 9(1), (3)

ity, property, birth or other status".<sup>5</sup> Article 35 of the Mozambican constitution provides that all citizens are equal before the law, enjoy the same rights and are subject to the same duties, regardless of colour, race, sex, ethnic origin, place of birth, religion, level of education, social position, marital status of their parents, profession or political choice.

Article 44 further strengthens this position by providing that all citizens have the duty to respect and consider their fellow citizens without discrimination of any kind and to maintain with them relations that make it possible to promote, safeguard and strengthen respect, mutual tolerance and solidarity. Most countries are party to relevant regional and international instruments that seek to promote inclusion and protect against discrimination. In terms of normative frameworks countries are obviously committed to managing diversity through respect for human rights and constitutional provisions that ensure inclusion of all members of society.

The challenge however is not so much about normative frameworks for managing diversity as it is about institutional and political arrangements that enable major societal divisions to be moderated and reconciled. Despite major progress since 1994, race remains a pervasive fault line in South African society because of the country's racially segregated past. A 2004 survey found that 62% of all South Africans said they were very worried about the possibility of being discriminated against on grounds of 'race, ethnic or tribal background'.<sup>6</sup>

A major challenge that South Africa has faced in its efforts to manage diversity is how to achieve equality and inclusion in a previously segregated society. One approach that has been taken is affirmative action and black economic empowerment. The government has adopted a series of laws and policies designed to improve the position of members of disadvantaged groups.

There is agreement across the South African political spectrum that the government's black economic empowerment strategy has not been successful so far in bridging the gap between the poor (the majority of whom remain black Africans) and the rich. Those that have benefited appear to be those with political connections. Poverty, especially if it occurs along racial lines presents serious challenges to managing diversity. Racially motivated violence has remained a feature of South African society.

The APRM report notes that South Africa has been fairly successful in managing diversity at the political level through the practice of proportional representation that has allowed diverse groups space to exercise their political rights. It however expresses concern that more needs to be done in the economic and social areas.<sup>7</sup> Disparate access to education, health and other social services by black people creates fertile ground for race based tensions.

As stated earlier the Mozambique constitution not only provides for legal equality but also prohibits discrimination on any grounds. In general therefore the constitution seeks to ensure inclusion of all citizens in political, economic and social activity. As in South Africa the principal challenges to equality among diverse social groups relates more to poverty, illiteracy and lack of access to state infrastructure. For more than a decade, Mozambique has experienced growth of more than 5 percent a year in its gross domestic product (GDP).

However Mozambique remains among the poorest and least developed countries in the world. According to the UNDP's *National Human Development Report 2007*, for example, life expectancy at birth in Mozambique was, in 2006, slightly more than 47 years, and Mozambique has one of the lowest ratings on the Human Development Indices (HDI).<sup>8</sup>

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<sup>5</sup> Constitution of Malawi, revised January 2004, chapter IV, section 20(1)

<sup>6</sup> Survey of South Africans at Ten Years of Democracy, The Washington Post, Kaiser Family Foundation, Harvard University, 2004

<sup>7</sup> African Peer Review Mechanism, Country Review Report No. 5, Republic of South Africa, September 2007

<sup>8</sup> Mozambique, *National Human Development Report 2007*, UNDP 2007, p. 7.

There are also marked regional differences in quality of life, and HDI varies significantly, improving as one moves from the north to the south of the country.<sup>9</sup> As long as poverty and illiteracy remain at high levels, exclusion of diverse sections of society could easily be perceived to be occurring along ethnic and regional fault lines. While Mozambique has come a long way in achieving and maintaining peace since the brutal civil war of the 1980s, its ability to effectively manage diversity will continue to be undermined by growing inequalities between the rich and the poor.

Malawi is another interesting case in point regarding managing diversity. The country emerged from a one party, one man dictatorship of Kamuzu Banda in the early 90s. The makers of Malawi's constitution were sensitive to the need to create a plural society. The constitution provides a strong foundation for an inclusive society. As in other countries challenges arise regarding implementation and practice. Political life in Malawi is characterized by distinctly regional/ethnic support bases. There are three main ethnic, cultural and linguistic groups – the Yao in the South, Chewa in the centre and Tumbuka in the North. Voting patterns have tended to track these ethnic fault lines.

The ethnic nature of political contestation in Malawi has been divisive at times threatening the young democracy. While religion has not been a visible fault line in terms of diversity in Southern Africa, tensions have been evident between Christians and Muslims in Malawi. In 1999 political violence flared up along religious lines when 17 mosques were burnt down in protest against the announcement that former president Mluzi had won a second term in office. It is important to note that Malawi has a significant Muslim population and that former president Bakili Mluzi is a Muslim. Another challenge for managing diversity in Malawi is the issue of language. Chewa, the language of former president Kamuzu Banda is generally considered the official language.

This was more so during Banda's dictatorship consistent with the domination of the Chewa ethnic group. Another contentious issue regarding management of diversity is status of citizens of Asian origin. There is a perception that Malawians of Asian origin have not integrated sufficiently with indigenous communities. Such perception is further fuelled by the relative economic prosperity Malawians of Asian and European origin. This state of affairs can easily degenerate into xenophobic attitudes towards those perceived as not belonging to the mainstream social groups.

Additional critical factors in managing diversity among southern African populations are large migrant and refugee populations. This is especially so in the case of South Africa because of its relative economic prosperity in relation to other African countries. It is a preferred destination for migrant labour as well as both political and economic refugees. Between 1997 and 2000, the Southern Africa Migration Project conducted a series of surveys regarding the attitudes of South Africans towards immigration and towards no-citizens living in South Africa<sup>10</sup>.

The outcomes of the studies show that a majority of South Africans are remarkably hostile to foreigners. The South African Immigration Act<sup>11</sup> that replaced the apartheid era Aliens Control Act<sup>12</sup> appears to be based on the same ethos as its predecessor that emphasized control as opposed to management of immigration. Such an approach does not create a conducive environment for management of diversity challenges that are presented by immigrants, refugees and asylum seekers.

The situation is made worse when there is competition for resources between local and immigrant communities. The policy of arrest, detain and deport that South Africa has used to try and contain immigrant flows is partly to blame for the recent xenophobic attacks on for-

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<sup>9</sup> United Nations Development Programme (UNDP), *Mozambique National Human Development Report 2005*, p. 20; World Bank, *Beating the Odds: Sustaining Inclusion in a Growing Economy, A Mozambique Poverty, Gender, and Social Assessment*, 2007 p. 11.

<sup>10</sup> Jonathan Crush (ed), *Immigration, Xenophobia and Human Rights in South Africa*, Migration Policy Series, No. 22, SAMP, 2001

<sup>11</sup> Immigration act 13 of 2002

<sup>12</sup> Aliens Control Act 96 of 1991

eigners in that country. The xenophobic attacks can be cited as evidence of failure to manage diversity with a democratic system.

## **Conclusion**

As Africa continues to democratize challenges in managing diversity will also increase. With the institutionalization of democracy will come increased citizens' demands for inclusion and equality. Previously issues of ethnicity, race and diversity in general have not been subjects of robust public debates. The tendency has been to gloss over such issues in the name of nation building and national unity. Increasingly managing diversity is becoming an important part of democracy building efforts as well as national and regional agendas.

The APRM for instance has identified managing diversity as one of the overarching governance issues coming out of the APRM reviews. The recently adopted African Charter on Democracy, Elections and Governance provides that "State Parties shall respect ethnic, cultural and religious diversity which contributes to strengthening democracy and citizen participation"<sup>13</sup>

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<sup>13</sup> African Charter on Democracy, Elections and Governance, Adopted by AU in Addis Ababa on January 30, 2007, Article 8 (3)

Annex 6

**BOLIVIA: Diversidad Y Cultura**  
**NUEVOS ELEMENTOS PARA UNA cultura Constitucional Plurinacional**

**1. Algunos datos geográficos, políticos y económicos**

<b>Localización</b>	Centro de América del Sur. Limita con Brasil, Perú, Chile, Argentina y Paraguay.
<b>Superficie</b>	1.098.580 Km <sup>2</sup>
<b>Clima</b>	Varía con la altitud; Selvas húmedas, trópico, frío y semiárido
<b>Relieve territorial</b>	Montañas y elevaciones en el cordón de Los Andes, llanuras hacia la zona este.
<b>Alturas</b>	<ul style="list-style-type: none"> <li>• MÍNIMA: RÍO PARAGUAY 90 Mts.</li> <li>• Máxima: Nevado Sajama 6.542 Mts.</li> </ul>
<b>Habitantes</b>	8.445.134
<b>Expectativa de vida</b>	64,42 años (hombres: 61,86 años; mujeres: 67,1 años).
<b>Religión</b>	Mayoría católica (95%)
<b>Sistema legal</b>	Basado en la ley española y el código napoleónico
<b>Gobierno</b>	<p>Sistema de tres poderes</p> <ul style="list-style-type: none"> <li>• EJECUTIVO: <ul style="list-style-type: none"> <li>○ UN PRESIDENTE</li> <li>○ UN VICEPRESIDENTE</li> <li>○ UN GABINETE DE MINISTROS</li> </ul> </li> <li>• LEGISLATIVO: <ul style="list-style-type: none"> <li>○ CONGRESO, SISTEMA BICAMERAL <ul style="list-style-type: none"> <li>▪ CÁMARA DE SENADORES (27 REPRESENTACIÓN REGIONAL)</li> <li>▪ CÁMARA DE DIPUTADOS (130 DE LOS CUALES 60 SON PLURINOMINALES Y 70 UNINOMINALES)</li> </ul> </li> </ul> </li> <li>• JUDICIAL: <ul style="list-style-type: none"> <li>○ SUPREMA CORTE DE JUSTICIA</li> <li>○ NUEVE CORTES DEPARTAMENTALES</li> </ul> </li> </ul>
<b>Economía</b>	<p>Moneda: Boliviano (1 \$us por 7.07 Bs) .</p> <p><b>PBI - per capita:</b> \$ 2.600</p> <p><b>Tasa de inflación (precios al consumidor):</b> 2%</p> <p><b>Fuerza laboral:</b> 2,5 millones.</p> <p><b>Tasa de desempleo:</b> 7,6%</p>

## **2. Para iniciar la reflexión**

A pesar de que la historia universal esta plagada de guerras y conquistas, hoy el mundo conoce identidades culturales, étnicas, lingüísticas y otras que han sobrevivido al paso del tiempo intactas e independientes. Así lo demuestra la historia de los griegos que no se convirtieron en romanos, de los españoles que no fueron islámicos y los propios quechuas y aymaras cuyas culturas perviven más allá de la conquista y colonización hispánicas.

La diversidad, comprendida en un sentido tan amplio como este, no es novedad pero sí es problema.

A partir de la instalación de la Asamblea Constituyente, (2007) el debate de lo pluri y lo multicultural ha adoptado gran aliento. Ya las tres últimas décadas, instituciones nacionales e internacionales habían focalizado a este tema como uno de los puntos centrales del debate político. Lo indígena recobra el orgullo de su legado (prácticamente abandonado hasta ese momento producto de nuestra propia revolución de 1952), se interpela al Estado boliviano por la falta de atención a los problemas de los pueblos originarios y se reclama la inclusión de sus derechos colectivos como etnias nativas de este territorio.

## **3. La Asamblea Constituyente y el debate pluricultural**

Además de los temas de alta sensibilidad, como las autonomías territoriales, la capitalidad plena, los derechos, la titularidad de las tierras y otros, el gran debate ideológico, el que predomina en los espacios de reflexión, es sin duda la propuesta del Movimiento al Socialismo (MAS) que es el partido de gobierno, de lo PLURINACIONAL. Esta sola palabra ha sido el centro y el motivo de tensiones, pasiones y rupturas, que los bolivianos hemos vivido dentro y fuera de la Asamblea. Y es que las radicalidades no solo se han manifestado en la sede del debate en Sucre, sino en las calles, en las casas y a lo largo y ancho del país. Si algo podemos destacar de que lo que ocurrió en esta última etapa de nuestra historia, es que ningún boliviano ha quedado incólume frente a este debate. Y qué bueno que finalmente se haya abierto este diálogo. Un inicio en el que todos participamos. Esto no puede ser considerado de otra forma que como positivo.

En qué se traduce lo plurinacional?

En el reconocimiento de la nación boliviana como una colectividad multicultural y pluriétnica conformada por 36 nacionalidades, cada una de ellas con posibilidad de desarrollar sus propios sistemas sociales, económicos, políticos y jurídicos.

A ello se refiere el art. 5 del proyecto de nueva Constitución que será sometido a referéndum aprobatorio el próximo 25 de enero de 2009.

La pluralidad cultural no es un descubrimiento reciente en Bolivia. De hecho, ésta presente y aceptada en prácticamente todos los ámbitos de la vida social y de manera muy notoria en las manifestaciones folklóricas.

La diversidad cultural presente en la mayor parte de las sociedades ha dado paso a conceptualizaciones muy diversas desde diferentes escuelas. Entre ellas, países como Estados Unidos, Inglaterra y Australia estudiaban la interculturalidad mientras que Francia, Alemania, Italia o España preferían el término de multiculturalidad para referirse a sociedades donde coexisten diversas culturas, asumiendo que la palabra interculturalidad implica un significado normativo, en la medida que supone un determinado tipo de relaciones entre culturas coexistentes en una misma sociedad.

Como fuera, el tema estrella de estas conceptualizaciones ha sido la multiplicidad lingüística. Sin embargo, la escuela marxista argumenta que la principal diferencia cultural es la que viene determinada por las categorías socioeconómicas que se dan entre la cultura dominante y dominada, por encima de las diferencias de la lengua, religión, cultura y otros. Asimismo, una tercera versión, busca apoyarse en la dimensión antropológica de la diferencia sustentada por una educación diferenciada. Y por último hay quienes consideran a la interculturalidad desde el conflicto considerándola como la base de las confrontaciones culturales producidas a lo largo de la historia



En Bolivia, el multiculturalismo es una cuestión de hecho y la interculturalidad, como ha sido abordada, un deseo para el futuro, una meta en el largo plazo. Muchos autores nacionales han reflexionado y escrito sobre el tema. Algunos sugestivos títulos son "Diálogo de sordos: Occidente e indignidad" de Javier Medina, "Iguales aunque diferentes" Xavier Albó. "No más danzas de ratones grises: sobre interculturalidad, democracia y educación" Luis Enrique Lopez ó "Reflexiones sobre cambio cultural y educación cultural" Victor Hugo Cárdenas.

Todos ellos proponen diferentes abordajes a la diversidad cultural y la conformación de un estado nacional desde lo lingüístico, lo sociológico, lo político, lo antropológico, y lo semiótico.

Es un debate complejo en el que se sitúa la propuesta de nueva Constitución Política del Estado acordada entre las fuerzas políticas que conforman el Congreso Nacional el 21 de octubre de 2008.

#### **ARTÍCULO 5 I.- NUEVA CONSTITUCIÓN POLÍTICA DE BOLIVIA**

SON IDIOMAS OFICIALES DEL ESTADO EL CASTELLANO Y TODOS LOS IDIOMAS DE LAS NACIONES Y PUEBLOS INDÍGENA ORIGINARIO CAMPESINOS, QUE SON EL AYMARA, ARAONA, BAURE, BÉSIRO, CANICHANA, CAVINEÑO, CAYUBABA, CHÁCOBO, CHIMÁN, ESE EJJA, GUARANÍ, GUARASU'WE, GUARAYU, ITONAMA, LECO, MACHAJUYAI-KALLAWAYA, MACHINERI, MAROPA, MOJEÑO-TRINITARIO, MOJEÑO-IGNACIANO, MORÉ, MOSETÉN, MOVIMA, PACAWARA, PUQUINA, QUECHUA, SIRIONÓ, TACANA, TAPIETE, TOROMONA, URU-CHIPAYA, WEENHAYEK, YAMINAWA, YUKI, YURACARÉ Y ZAMUCO.

#### **4. El proyecto de nueva constitución**

##### **Bases para la lectura**

A lo largo de su historia, Bolivia ha contado con 18 Constituciones Políticas del Estado y varias reformas. La última de ellas en 1994 cuando mecanismos de la democracia participativa se abren paso para viabilizar nuevas formas de representación que hasta ese momento no habían sido permitidas.

Bolivia ha iniciado un momento político que no puede comprenderse desde el constitucionalismo tradicional, conocido como "moderno".

Y es que el constitucionalismo tradicional es insuficiente para explicar la ruptura con las metrópolis europeas y la continuidad de relaciones típicamente coloniales en sus respectivas sociedades a lo largo y ancho de los siglos XIX y XX.

LA DÉCADA DE LOS NOVENTA, HORA LATINOAMERICANA DE NEOLIBERALISMO, TUVO LA LUCIDEZ DE INCORPORAR POLÍTICAS DE RECONOCIMIENTO PLURICULTURALES. COLOMBIA EN 1991, PERÚ 1993, ECUADOR 1998 Y VENEZUELA EN 1999, MARCARAN UN PASO DECISIVO QUE REPLANTEARÁ EL DEBATE CONSTITUCIONAL LATINOAMERICANO, PARTICULARMENTE EN RELACIÓN CON LOS PUEBLOS INDÍGENAS Y SUS DERECHOS.

De varias formas los movimientos indígenas del continente latinoamericano, y de modo particular en Bolivia y Ecuador, posicionan un debate emancipatorio que redescubre las funciones políticas de las constituciones: clasismo, patriarcalismo, continuidad colonial y disciplinamiento social.

ESTAS FUNCIONES NO DEBATIDAS, EVADIDAS Y REDESCUBIERTAS POR LA MOVILIZACIÓN INDÍGENA, MARCARÁN EN PROFUNDIDAD EL CAMINO CONSTITUYENTE. LA ASAMBLEA (2007) EN UN ACTO DE APROPIACIÓN POLÍTICA, DE APERTURA DOCTRINAL CONSTRUYE UNA CONSTITUCIÓN POLÍTICA QUE EMERGE DE LA REALIDAD Y NO AL REVÉS.

ASÍ PUES, EL PROYECTO DE NUEVA CONSTITUCIÓN POLÍTICA DE BOLIVIA, REFORMADO POR EL CONGRESO DE LA REPÚBLICA, NOS MUESTRA DOS DETALLES POLÍTICOS QUE HAN PASADO INADVERTIDOS POR LOS CONSTITUCIONALISTAS: LA TEORÍA NO SIEMPRE TIENE LA RAZÓN Y LA FUERZA NO SIEMPRE ES BUENA CONSEJERA.

Los abogados legisladores han sido rebasados por la gente ávida de cambio. Los creadores del derecho han tenido que soltar la batuta y dar paso a representantes del pueblo, electos por voto popular con misión de generar un nuevo instrumento legal para todos los bolivianos.

nos. Estos fueron los asambleístas, que sitiados por los problemas de la coyuntura y el enfrentamiento social, no pudieron lograr su labor ni desde el oficialismo ni desde la oposición.

Así, el primer proyecto de nueva Constitución aprobado por la Asamblea Constituyente en diciembre de 2007, en Oruro, se convirtió, después del cambio de más de 150 de los casi 400 artículos que presenta el actual proyecto de CPE, en el documento que votaremos los bolivianos en el referéndum a realizarse el 25 de enero de 2009.

Idón Chivi, destacado constitucionalista cercano al MAS, sostiene: "El tutelaje eurocéntrico en materia constitucional, del cual quienes hacen historia del derecho, se quejan con relativa frecuencia, vieron cómo se hace ley constitucional a mano y sin permiso, hoy el Congreso Nacional está en ese mismo camino... El movimiento indígena boliviano ha logrado construir un proyecto nacional y generar de ese modo una amplia base social, por ello mismo tiene la obligación de mirar el país, no en un sentido reivindicativo, sino en su sentido correcto: construir país..."

EFFECTIVAMENTE, LAS MODIFICACIONES REALIZADAS POR EL CONGRESO NACIONAL AL PROYECTO DE CONSTITUCIÓN APROBADO EN ORURO, ES LA MUESTRA DE QUE EL MOVIMIENTO INDÍGENA Y POPULAR EN BOLIVIA, HA LOGRADO UNA MADUREZ POLÍTICA QUE PERMITE VIABILIZAR EL PROCESO DE CAMBIO PROFUNDO PLANTEADO POR EL GOBIERNO DE EVO MORALES.

A PARTIR DE ESOS DATOS, LAS REFORMAS CONGRESALES -A PESAR DE SIGNIFICAR UN RETROCESO INCLUSIVE EN EL MARCO DE LA DECLARACIÓN DE LOS DERECHOS DE LOS PUEBLOS INDÍGENAS-, SON ACORDADAS POLÍTICAMENTE PARA PROFUNDIZAR LA DEMOCRACIA Y LOGRAR LA APERTURA LEGAL AL REFERÉNDUM REFERENDATORIO, SON ACORDADAS Y VIABILIZADAS POR LOS MISMOS INDÍGENAS PERO TAMBIÉN POR LA PARTICIPACIÓN DE ALGUNOS DESTACADOS MIEMBROS DE LA ESCASA OPOSICIÓN POLÍTICA VIGENTE EN EL PAÍS.

ES EN ESTE CONTEXTO DONDE CONVIENE DETENERSE PARA EXPLICAR ALGUNOS CAMBIOS IMPORTANTES PLASMADOS EN EL PROYECTO DE LA NUEVA CONSTITUCIÓN POLÍTICA DE BOLIVIA.

**ARTÍCULO 1.- NUEVA CONSTITUCIÓN POLÍTICA DE BOLIVIA**

BOLIVIA SE CONSTITUYE EN UN ESTADO UNITARIO SOCIAL DE DERECHO PLURINACIONAL COMUNITARIO, LIBRE, INDEPENDIENTE, SOBERANO, DEMOCRÁTICO, INTERCULTURAL, DESCENTRALIZADO Y CON AUTONOMÍAS. BOLIVIA SE FUNDA EN LA PLURALIDAD Y EL PLURALISMO POLÍTICO, ECONÓMICO, JURÍDICO, CULTURAL Y LINGÜÍSTICO, DENTRO DEL PROCESO INTEGRADOR DEL PAÍS.

El artículo primero de la Nueva Constitución Política del Estado sintetiza el programa de Estado en este siglo XXI, comprime el nuevo mapa institucional, define la nueva organización territorial, estructura las formas de economía que gozan de protección estatal y –principalmente-, define un sistema de estabilidad política que privilegia al ser humano –en su dimensión individual y colectiva; genero y generacional; cultural y política-.

Por ello es sumamente importante desglosar este artículo para tener claridad en la carta de navegación que nos legaron los miembros de la Asamblea Constituyente.

¿Qué es un Estado Plurinacional? Es la pregunta a la que se propone responder el Artículo 1º del proyecto de Constitución.

Sin duda, responder a esta pregunta parece una tarea demasiado compleja.

Pero no es así.

Quién puede negar que Bolivia esta conformada por 36 naciones indígenas catalogadas como tales en los registros oficiales y particulares de ONGs y agencias de cooperación internacional (BID, BM, FMI).

Quien puede negar que debido a la inexistencia del Estado en las áreas rurales, sus habitantes (indígenas, originarios o campesinos) tuvieron que dotarse de mecanismos institucionales propios y efectivos para su convivencia. Tuvieron que mantener mecanismos que viniendo del periodo precolonial se mezclaron con prácticas coloniales de los españoles y aún hoy persisten, aunque reconceptualizadas por la propia visión de los pueblos indígenas desde una apreciación por la vida en común, en colectivo, porque solo así era posible sobrevivir.

De que se trata:

La constitucionalización de la realidad, se da en tres escenarios políticos:

- a) *Lo plurinacional*, como la constitucionalización de las formas gubernativas propias de los pueblos indígenas originarios campesinos, constitucionalización de sus economías, sistemas jurídicos, medicina, educación y reproducción cultural.
- b) *Lo comunitario*, como la constitucionalización de la redistribución de la riqueza social producida en el país, redistribución que tiene como misión construir una sociedad igualitaria y con justicia social.
- c) *La descolonización*, como fin esencial del Estado en Economía, Política y Sociedad.

¿Cuáles son sus consecuencias?

El partido oficialista ve varias.

Primero, la constitucionalización del Estado Plurinacional resuelve un problema histórico de sociedades que vienen de una profunda herencia colonial: relaciones de dominio estatal marcadamente señoriales y racistas.

Segundo: la constitucionalización del Estado Plurinacional, programa un futuro institucional acorde con la realidad, no en contra de ella, programa estabilidad política e institucional donde indígenas y no indígenas nos veamos como verdaderamente hermanos y no al revés.

Tercero: la constitucionalización del Estado Plurinacional, es solo la legalización de lo que ya existe previamente en la realidad. No en la forma de 36 "Estados", sino de sus instituciones políticas, administrativas, judiciales y sociales propias.

Cuarto: La institucionalidad del Estado se modifica plurinacionalmente, diseñando una nueva composición de los Órganos que componen al Poder Público (Legislativo, Ejecutivo, Judicial y Electoral).

Quinto: La división político - administrativa del espacio adquiere nuevas dimensiones: Departamentos (autónomos y no autónomos); Provincias; Secciones de Provincia; los Territorios Indígenas.

Sexto: La existencia económica del Estado se recompone institucionalizando la obligatoriedad estatal de apoyar todas las formas de producción en el país y no solo la estatal o la privada, sino también la comunitaria, familiar o de la pequeña propiedad.

Séptimo: El desarrollo normativo posterior (elaboración de leyes y Códigos) tiene que responder al orden de un Estado Plurinacional, vale decir privilegiando al ser humano en su dimensión individual y colectiva, protegiendo al máximo sus derechos, ejerciendo el poder estatal para cumplir los derechos fundamental y otorgando seguridad jurídica para el cumplimiento de la premisa estatal que es Vivir Bien.

OCTAVO: POLÍTICAMENTE LA NUEVA CONSTITUCIÓN EXTREMA SUS RECURSOS Y DA UN MANDATO POLÍTICO A LA INSTITUCIONALIDAD ESTATAL Y A SUS FUNCIONES: DESCOLONIZARSE. DE ESTE MODO PROYECTA MECANISMOS PROPIOS DE EJERCICIO DEL PODER ESTATAL Y EN SU CASO INVENTARLOS, TAL COMO OCURRE CON EL CONTROL SOCIAL.

Noveno: en materia de Derechos la Constitución da un salto histórico pues el Estado no solo es el principal garante de su cumplimiento, sino que es su función principal. Salud, educación, alimentación, agua, alcantarillado, luz, teléfono y vivienda digna ya no son declaraciones de intenciones sino obligaciones estatales de primer orden, ineludibles, lo cual modifica todas las políticas públicas vigentes y plantea nuevos problemas sobre todo en el ámbito económico.

Décimo: La composición del órgano legislativo ya no representa una sola cara del país, sino que toma como referencia lo plurinacional y a su lado la representación de género con un marcado acento igualitario que se aleja de las políticas de cuotas, entonces lo plurinacional se refuerza con la presencia igualitaria de género.

Décimo primero: La institucionalidad del órgano ejecutivo sigue el mismo camino, pero añade como su misión fundamental: la Descolonización.

Décimo segundo: La descolonización no debe entenderse como un retorno programático al tawantinsuyo, sino como un ejercicio de crítica radical a los saberes estatales, sus prácticas sociales e institucionales, que genera nuevas formas institucionales, como la elección de Jueces por voto directo que nunca estuvo presente en nuestra historia.

Décimo tercero: Con todo ello se supera la vieja tradición de democracia representativa, se mejora los mecanismos institucionales de la democracia participativa y se construye los cimientos de la *democracia igualitaria*.

Décimo cuarto: Para su consolidación, una nueva ciudadanía se hace presente, aquella que viene de una vieja tradición revolucionaria: La ciudadanía solidaria.

La *democracia igualitaria*, vista como un paso cualitativamente superior de la democracia participativa, encuentra en el proyecto de Nueva Constitución Política su correlato legal de primer orden.

El enfoque se mueve en medio de un juego de intereses que no es un hecho puro o un camino al paraíso. Se trata más bien de una constante lucha por el control de los territorios donde se ejerce poder. Por ello la aceptación de la diversidad puede evocar una meta de llagada pero sobre todo deber evocar una realidad conflictiva y tensa, donde existe la reflexión y la ruptura de antiguos clichés que ocultan y desvirtúan relaciones que entablan cotidianamente diversos sujetos sociales

Pensar lo nacional desde lo plural es un desafío. Este es el desafío de todos los bolivianos, indígenas, originarios, campesinos, afrodescendientes y mestizos. Todos tenemos el privilegio de vivir este momento histórico y construirlo desde nuestro propio concepto de participación.

### What is International IDEA?

The International Institute for Democracy and Electoral Assistance (International IDEA) is an intergovernmental organization that supports sustainable democracy worldwide. Its objective is to strengthen democratic institutions and processes. International IDEA acts as a catalyst for democracy building by providing knowledge resources, expertise and a platform for debate on democracy issues. It works together with policy makers, donor governments, UN organizations and agencies, regional organizations and others engaged in the field of democracy building.

### What does International IDEA do?

Democracy building is complex and touches on many areas including constitutions, electoral systems, political parties, legislative arrangements, the judiciary, central and local government, and formal and traditional government structures. International IDEA is engaged with all of these issues and offers to those in the process of democratization:

- knowledge resources, in the form of handbooks, databases, websites and expert networks;
- policy proposals to provoke debate and action on democracy issues; and
- assistance to democratic reforms in response to specific national requests.

### Areas of work

International IDEA's notable areas of expertise are:

- *Constitution-building processes.* A constitutional process can lay the foundations for peace and development, or plant seeds of conflict. International IDEA is able to provide knowledge and make policy proposals for constitution building that are genuinely nationally owned, are sensitive to gender and conflict-prevention dimensions, and responds effectively to national priorities.

- *Electoral processes.* The design and management of elections has a strong impact on the wider political system.

International IDEA seeks to ensure the professional management and independence of elections, adapt electoral systems, and build public confidence in the electoral process.

- *Political parties.* Political parties form the essential link between voters and the government, yet polls taken across the world show that political parties enjoy a low level of confidence. International IDEA analyses the functioning of political parties, the public funding of political parties, and their management and relations with the public.

- *Democracy and gender.* International IDEA recognizes that if democracies are to be truly democratic, then women—who make up over half of the world's population—must be represented on equal terms with men. International IDEA develops comparative resources and tools designed to advance the participation and representation of women in political life.

- *Democracy assessments.* Democratization is a national process. International IDEA's State of Democracy methodology allows people to assess their own democracy instead of relying on externally produced indicators or rankings of democracies.

### Where does International IDEA work?

International IDEA works worldwide. It is based in Stockholm, Sweden, and has offices in Latin America, Africa and Asia.

### International IDEA

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