

# **Mediterranean Academy of Diplomatic Studies (MEDAC)**

**Democratic Transitions: Perspectives and  
Case Studies**

**Edited by Omar Grech**

**MEDAC**   
Mediterranean Academy of Diplomatic Studies  
University of Malta

Malta, Summer 2012

**Med Agenda New Series — Special Issue**

**MEDAC Publications in Mediterranean IR and Diplomacy**

# Democratic Transitions: Perspectives and Case Studies

---

## Table of Contents

---

4. **Preface**  
Professor Stephen Calleya
5. **Editor's Introduction**  
Omar Grech
7. **Democratic Transitions: Trends, Patterns, Challenges**  
by Colm Regan
23. **Human Rights, Political Representation and Democracy:  
Some reflections**  
by Omar Grech
34. **From Apartheid to Democracy in South Africa**  
by Tom Lodge
57. **Tunisia after the Revolution:  
Democracy between Stalling and Collapsing**  
by Bechir Chourou

---

Med Agenda — Special Issue  
MEDAC Series in Mediterranean IR and Diplomacy

Mediterranean Academy of Diplomatic Studies (MEDAC)  
University of Malta  
Msida MSD 2080, MALTA

Tel: (+ 356) 2340 2821 Fax: (+ 356) 2148 3091  
e-mail: medac@um.edu.mt

Website: [www.um.edu.mt/medac](http://www.um.edu.mt/medac)

# Democratic Transitions: Perspectives and Case Studies

---

## Acknowledgments

---

This publication is based on contributions made to a seminar on Democratic Transitions organised by the Human Dimension Programme at the Mediterranean Academy of Diplomatic Studies (MEDAC). This seminar was funded by the Swiss Development Agency and the Government of Malta. MEDAC wishes to express its sincere appreciation to the Swiss and Maltese governments for their continuous and generous support.

Thanks are also due to all MEDAC staff who contributed to the organisation of this seminar and to Tabea Leibbrand for assisting in the editing process.

Finally, sincere thanks to all the contributors to this volume for their time and effort.

## Contributors

---

**Stephen Calleya** is Director of the Mediterranean Academy of Diplomatic Studies and Professor of International Relations at the University of Malta.

**Bechir Chorou** is Professor of International Relations and Political Science and Director of the University of Carthage in Tunis.

**Omar Grech** is Coordinator of the Human Dimension Programme at the Mediterranean Academy of Diplomatic Studies.

**Tom Lodge** is Dean of the Faculty of Arts, Humanities and Social Sciences and Professor of Peace and Conflict Studies at the University of Limerick.

**Colm Regan** is a civil society activist with extensive experience in human rights and development education.

## PREFACE

by Professor *Stephen Calleya*, Director MEDAC

Since the end of the Cold War the Mediterranean Academy of Diplomatic Studies (MEDAC) has established itself as a centre of excellence in diplomatic studies with a particular reference to issues pertaining to the Mediterranean. More than 600 graduates and thousands of diplomats, academics, policy makers and civil societal representatives have participated in the MEDAC programmes, conferences, workshops and summer schools. MEDAC has therefore provided a platform where an open and constructive debate and dialogue on the international relations of the Mediterranean can regularly take place.

It is in this context that MEDAC has been actively engaged in contributing to the historic developments that have been unfolding since the commencement of the Arab Uprisings in 2011. Citizens in each of the Arab countries where revolutions have taken place were all united in wanting to remove the shackles of their respective authoritarian regimes. While the outcome of each case study remains uncertain, it is clear that democratic transitions will only prove successful if all stakeholders remain committed and engaged to the cause. The end goal of a better, fairer and more tolerant society for future generations must be a guiding light to all those participating in the ongoing struggle that requires continuous sacrifices.

In March 2012 MEDAC organized the postgraduate seminar entitled “Democratic Transitions: Perspectives and Case Studies”. This seminar publication highlights the complex nature of democratic transitions and offers insight into the long and winding road that the peoples in the Mediterranean countries in transition will have to experience along this journey.

For more than a decade the Human Dimension Programme at MEDAC has been a driving force when it comes to raising awareness about the democratic deficit that has plagued the countries along the southern shore of the Mediterranean. This includes providing coherent analysis on the obstacles that hinder freedom of expression, the rule of law, human rights and gender equality in countries located in the Mediterranean. At this critical juncture in the transformation of contemporary Euro-Mediterranean relations MEDAC will continue to strive to ensure that all stakeholders in such democratic transitions are provided with an opportunity to make their voices heard when it comes to the shaping the future direction of their country.

## Introduction

by *Omar Grech, Editor*

The postgraduate seminar on Democratic Transitions: Perspectives and Case Studies was organised by the Human Dimension Programme of the Mediterranean Academy of Diplomatic Studies in March 2012. The seminar sought to reflect on the challenges of democratic transitions in the context of the Arab Uprisings of 2011 within a broader context of democratisation and human rights. The seminar was thus inspired by the events in North Africa but was not intended to focus exclusively on these events. Instead the seminar approached the issue of democratic transition by reflecting on the trends in democratization (Colm Regan), the relationship between democracy and rights (Omar Grech) and two case studies: one on South Africa (Tom Lodge) and one on Tunisia (Bechir Chourou). The case studies were selected with a view to assess democratic transition in two very different cases both in terms of time, geography and context. The South African democratization process has been ongoing for more than a decade and was the result of one of the great human rights campaigns of the 20th century. By contrast the Tunisian attempt at democratization is a very recent one and it came about in a rather unexpected way as Bechir Chourou explains in his introduction.

**Colm Regan** considers a number of issues relating to democratization commencing with a brief historical reference to the growth of democracy (including the role of women therein) and in particular more recent trends and patterns in the spread of democracy. He concludes that while broadly there is cause for optimism in terms of the spread of democracy there are reservations as to the spread of freedom. Thus Regan immediately raises an interesting distinction between democracy and freedom and the notion of 'illiberal democracy'. This is a theme to which Grech returns in slightly different terms in his contribution. Regan also refers to a number of challenges associated with democratic transitions. In particular he highlights the difficulty in defining what constitutes democracy as the literature veers between narrow and broad definitions. Finally, Regan also considers the role of civil society in democratic transitions and emphasises the important role that civil society may and should play in democratic processes. In his contribution **Omar Grech** elaborates on the risk (alluded to by Regan) that may be associated with majoritarian democracy. The threat that a potential 'tyrannous majority' poses to minorities is considered while possible solutions to this risk are identified in constitutionally protected rights and also in alternative democratic models based on consensus rather than simple majority.

**Tom Lodge** provides an overview of the transition in South Africa from apartheid to democracy. After providing a historical context he assesses the key factors that led to the 1994 settlement including the strong commitment to human rights as evidenced by the entrenchment of the Bill of Rights in the South African constitution. Lodge then considers the issue of South African democracy where the African National Congress (ANC) has been the dominant party since the democratic transition. He concludes that so far it appears that the ANC has broadly respected democratic principles and its electoral success is due to persuasion rather than coercion. The final part of Lodge's contribution attempts to chart three possible scenarios for South Africa's democratic future.

**Bechir Chourou** is not overly optimistic in assessing the very early days of the Tunisian democratic transition. He neatly encapsulates his hypotheses in his title: Democracy between Stalling and Collapsing. Chourou provides an overview of the developments in Tunisia since the deposition of Ben Ali with a strong emphasis on the October 23rd elections. While still too early to arrive at any definite conclusion as to the prospects for Tunisia Chourou points out that the economic problems Tunisia is facing and the political fragmentation currently in place are obstacles that need to be overcome quickly. His early assessment on the behaviour of political parties is not entirely positive. This contribution ends with the Sisyphian metaphor of Tunisia pushing the democratic rock up a steep hill.

It may be argued that this metaphor illustrates vividly the key point made by all the contributions to this small volume. Democratic transitions are hard work and the dangers of reversion or collapse are always present. Regan and Grech in different contexts stressed the dangers of illiberal democracies (or tyrannous majorities). Lodge and Chourou highlighted the continuing challenges of democratization in both old and new democratic transitions. The emerging picture is not negative but it does contain shades of grey interspersed with brighter colours.

**Democratic Transitions:  
Trends, Patterns, Challenges**

---

Colm Regan

## Introduction

We live in a time of infinite possibility where change and transition have become the norm for the vast majority of the world's population. In the past five decades, we have witnessed profound change; the ending of the pernicious Apartheid state in South Africa; the collapse of hard line communism and its associated repression(s); the emergence of widespread support for the women's movement worldwide and for the rights of women; a massive upsurge in basic literacy, health and nutrition and a revolution in information and communications. Today, the proportion of people unable to realise their basic physical needs is smaller than at any previous time in history and our capacity to meet such needs has never been greater.

Yet, we also live in a time where inequality is greater than ever before; where the percentage of people with exponentially more than they need (or could ever productively use) is also greater; where much of science and progress is harnessed for the benefit and control of a small minority and where, despite the explosion of information and communication, our 'understanding of the world and our place in it' remains deficient. It seems that 'the more we come together, the more we grow apart'. On the one hand, recent history has highlighted the actual scale and depth of increased democratic transition worldwide while also illustrating its profound limitations and elitism.

An example illustrates the point. The estimated cost of saving the lives of the 529,000 women who die annually (and unnecessarily) from complications during pregnancy, childbirth or immediately after is US \$1.2 billion; a cost equivalent to less than that of just one single Stealth

Bomber. The research, engineering and skill embodied in that one stealth bomber could readily and economically save those lives but it does not – they are simply not a priority; such a ‘democratic transition’ is not a priority.

A second example relates to events in Syria today. On March 27th, 2012, UN Special Co-ordinator for the Middle East peace process, Robert Serry reported to the UN Security Council that the death toll since March 2011 (when the Syrian Uprising began) had reached 9,000 recorded deaths.<sup>1</sup> Estimates for unrecorded deaths by Syrian human rights groups report, at least, similar numbers. The UN estimates that there are now some 10,000 Syrian refugees in Lebanon and a further 11,000 in makeshift camps along the Turkish border with all the attendant challenges of food insecurity, poor accommodation and unhygienic sanitary conditions.<sup>2</sup> It is important that while we analyse and debate the nature of the current democratic transition struggle in Syria and more broadly in the Arab World, we also remember that the human cost of transition is very considerable.

In what follows, the focus is on three key issues:

- Democratic transitions: is there cause for optimism in the long view?
- Democracy and ‘freedom’: – what are the recent trends and patterns?
- Some key challenges: democracy – divergent views; the challenge of quantifying and measuring change and what is the role of civil society in the context of democracy and change?

### **Long-term trends and patterns – grounds for optimism?**

While there is considerable debate and disagreement as to how to define, measure and analyse democracy, the long-term evidence as regards key components of the transition towards greater democracy suggests grounds for considerable optimism, at least formally. In 1900, there were no countries with governments elected through universal adult suffrage; in 2012, there are 117 such countries representing 60% of all countries



worldwide.<sup>3</sup> Paralleling the expansion of formal electoral democracy has been the expansion of sovereign states. As illustrated in Table 1 below, in 1900, there were only 55 sovereign countries and 13 empires but by 2000 that figure had dramatically increased to 192 and of those countries, 113 had been part of colonial and imperial systems and a further 33 parts of other states. Some 55.8% of world population lived under some form of monarchy (with 36.6% under absolutist monarchical rule) and a further 30.2% lived under colonial and imperial domination.<sup>4</sup>

At the beginning of the 20th century, only some 5% of the world's people had the right to democratically elect leaders in competitive elections, while women were denied the right to vote (and in some countries ethnic and racial minorities and the poor were also denied the right). Today, despite fluctuating patterns, the proportion of adults who can democratically elect their leaders exceeds 60%. This progress is all the more startling given that in the twentieth century more citizens were killed by their own governments than by foreign armies; despite the wars of 1914-1918 and 1939-1945, ongoing regional conflicts and inter-state wars and the deaths of millions in the Holocaust and the terror regimes of Stalin, Mao and Pol Pot.<sup>5</sup> While the debate on the exact extent and impact of such formal democracy raises many fundamental questions, the growth of democratically elected governments remains a critical dimension in the recognition and observance of human rights.

**Table 1: the growth of 'democracy'**<sup>6</sup>

	<b>1900</b>	<b>1950</b>	<b>2000</b>
<b>Number of Sovereign States</b>	55	80	192
<b>Number of States Governed by Colonial or Imperial States</b>	55	43	virtually none
<b>Percentage of World Population in Democracies</b>	12.4	31	58.2 (+5% in 'restricted democracies')

In awarding the 2011 Nobel Peace Prize to Ellen Johnson Sirleaf, Leymah Gbowee and Tawakkul Karman, the Norwegian Nobel Committee noted:

*'We cannot achieve democracy and lasting peace in the world unless women obtain the same opportunities as men to influence developments at all levels of society.'*<sup>7</sup>

In this, they echoed the centrality of women's rights in the transition to meaningful democracy and the importance of such democracy in human development and human rights as outlined in the UNDP Human Development Report for 1995:

*'One of the defining movements of the 20<sup>th</sup> century has been the relentless struggle for gender equality, led mostly by women, but supported by growing numbers of men. When this struggle finally succeeds-as it must-it will mark a great milestone inhuman progress. And along the way it will change most of today's premises for social, economic and political life.'*<sup>8</sup>

From 1792 when British activist and author Mary Wollstonecraft offered a systematic analysis for the equality of the sexes in her book "A Vindication of the Rights of Women" to today when only six countries continue to deny women the right to vote (Bhutan, Lebanon, Brunei, Saudi Arabia, the United Arab Emirates and the Vatican City), the struggle for women's rights has been central to political life internationally. Today, despite being hugely under-represented, women make up an average of 19.5% of members of parliament worldwide; from a high of 42% in the Nordic countries, 20.8% in Europe, 22.6% in the Americas to a low of 11.3% in Arab states.<sup>9</sup>In many other key areas such as education and health, access to jobs and livelihoods, women have made 'unprecedented gains' and more countries than ever now guarantee women and men equal rights under the law in areas such as property ownership, inheritance, and marriage. As noted by the World Development Report 2012:

*'In all, 136 countries now have explicit guarantees for the equality of all citizens and non-discrimination between men and women in their constitutions.'*<sup>10</sup>

This progress has created a legal and political platform upon which the women's movement and its supporters can begin to translate the ideal of equality into practical realities at family, community, national and international levels.

A third important area related directly to democratic transition is that of adult literacy and, again, there are grounds for considerable optimism despite the ongoing challenge of achieving universal basic adult literacy as is illustrated in Table 2 below. In his 1994 documentary series, historian and journalist Gwynne Dyer argued that whenever literacy rates in any given society reach over 50%, it then takes approximately three generations for that society to become effectively democratic.<sup>11</sup> This is all the more so when a key emphasis is on the education of women and, in particular young girls.

Over the past 20 years, both the adult literacy rate and gender parity have improved significantly: the literacy rate grew from 76% in 1990 to 83% in 2008 and the Gender Parity Index (GPI, see endnote 13) from 0.84 to 0.90 (see Figure 1)<sup>12</sup>. Progress was particularly significant in Northern Africa, where the adult literacy rate increased by 20%, and in Eastern and Southern Asia, with an increase of 15%. In Northern Africa and Southern Asia less than half of all adults were literate in 1990, less than in any other region. In 2008, the lowest literacy rates were recorded in Southern Asia and sub-Saharan Africa, with 62% and 63%, respectively. Nonetheless, sub-Saharan Africa managed to increase the share of adults with basic reading and writing skills by 9% between 1990 and 2008. In the remaining regions, the increase in the adult literacy rate over the past two decades was as follows:

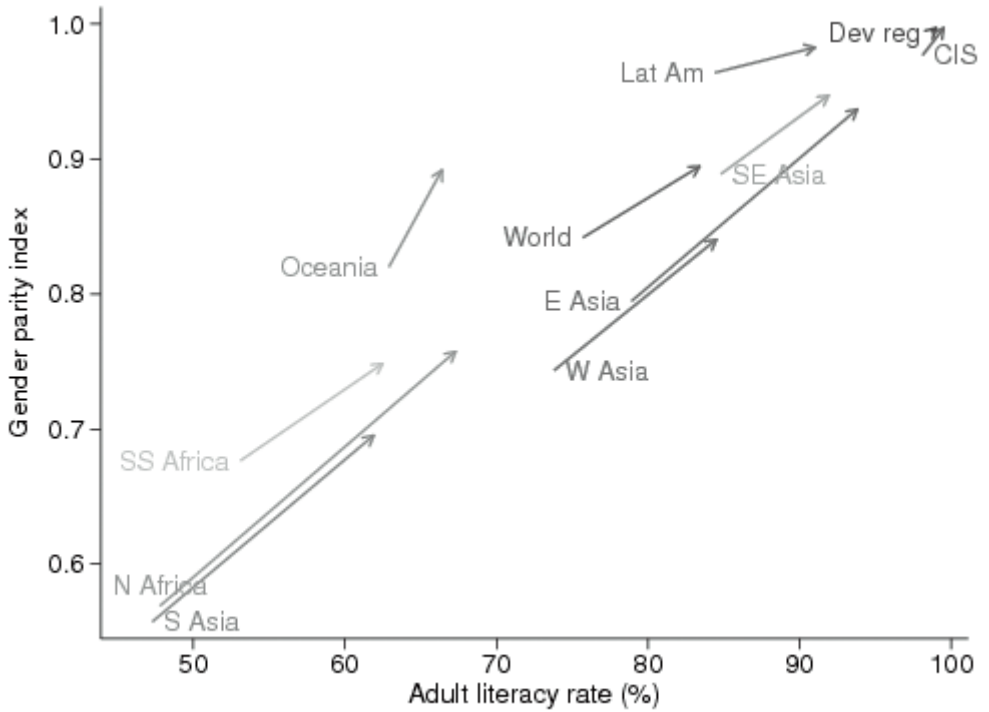
- Western Asia 11%
- South-Eastern Asia 9%
- Latin America and the Caribbean 7%
- Oceania 4%

- CIS 1%
- Developed regions 0.3%.

The rate of increase in the developed regions and in the CIS countries was negligible because both regions had already reached near-universal adult literacy in 1990. Literacy rates are also high in Eastern Asia, South-Eastern Asia, and Latin America and the Caribbean; in all three regions more than 9 out of 10 adults are able to read and write.

More importantly, gender parity also improved in all regions, with Northern Africa again showing the biggest increase, from 0.57 in 1990 to 0.76 in 2008, followed by Eastern Asia and Southern Asia, where the GPI increased by 0.14 in the same period.<sup>13</sup> In spite of this Southern Asia continues to exhibit relatively high gender disparity in adult literacy, with a GPI of 0.70. The UNESCO Institute of Statistics reports similar disparities in sub-Saharan Africa (0.75) and Northern Africa (0.76).<sup>14</sup> Despite this trend, in 2008, 796 million adults aged 15 years or older - 17% of all adults worldwide - still lacked basic reading and writing skills and 64% of them were women.

The diagram opposite: Adult literacy rate and gender parity, 1990-2008



Friedrich Huebler, huebler.blogspot.com, September 2010

Figure 1: Adult literacy rate and gender parity, 1990-2008

Table 2: Adult literacy rate and gender parity, 1990/2008

Region	Adult Literacy Rate 1990 and 2008			
	Total	Male	Female	GPI
Developed regions	98.7	99	98.4	0.99
	99	99.2	98.9	1.00
CIS	98.1	99.4	97.1	0.98
	99.5	99.7	99.4	1.00
Eastern Asia	78.9	87.7	69.7	0.80
	93.8	96.8	90.7	0.94
South-Eastern Asia	84.8	90.0	80.0	0.89
	91.9	94.5	89.5	0.95
Southern Asia	47.3	60.1	33.5	0.56
	61.9	73.2	50.9	0.70
Western Asia	73.8	84.2	62.6	0.74
	84.5	91.5	76.9	0.84
Northern Africa	47.8	60.8	34.6	0.57
	67.3	76.7	58.1	0.76
Sub-Saharan Africa	53.1	63.7	43.1	0.68
	62.5	71.6	53.6	0.75
Latin America and the Caribbean	84.4	85.9	82.8	0.96
	91.0	91.9	90.3	0.98
Oceania	62.9	68.9	56.5	0.82
	66.4	70.2	62.6	0.89
World	75.7	82.2	69.2	0.84
	83.4	88.2	78.9	0.90

### Recent trends and patterns – grounds for reservations

Despite the positive evidence presented above, the 2009 Freedom in the World survey reported continued erosion of freedom worldwide, with setbacks in Latin America, Africa, the former Soviet Union, and the Middle East.<sup>16</sup>

The number of electoral democracies has now decreased every year since 2005 and while ‘free’ countries still outnumber those that are ‘not free’, the current 116 ‘free’ is the lowest number of such regimes since 1995. The ending of the Cold War and the subsequent collapse of the communist

regimes appeared to demonstrate the failure of the only alternative to liberal democracy. Despite the failure of many post-communist regimes to sustain the transition to democracy, liberal democracy was seen as the only sustainable political system and constituted the 'end point of mankind's ideological evolution'<sup>17</sup> although recent economic trends have, once again, highlighted the weaknesses of such liberal democracies. In parallel, the early 1970's had witnessed significant growth in locally-driven demands for democracy and for democratic reforms in developing countries in the context of corrupt and ineffective post-colonial regimes. This trend began with the collapse of dictatorships in Portugal, Spain, and Greece; the growth of the EEC and EU; the replacement of military and one-party regimes in Latin America; the emergence of, albeit limited but increasingly effective democracy in many African states.

According to Freedom House (2009) in 1975 the number of countries that were '*not free*' exceeded those that were '*free*' by 50% but by 1985 the growth in '*free*' countries meant that they outnumbered the '*not free*' and by 2007 twice as many countries were '*free*' as were '*not free*'.<sup>18</sup> Many countries that are '*formally*' democratic (with contested elections) are characterised by weak or poor government, high crime rates, widespread government corruption, seriously inadequate and mismanaged social services, lack of transparency and high levels of unaccountability and were thus characterised by Fareed Zakaria as '*illiberal democracies*'.<sup>19</sup> Many '*illiberal*' democracies have remained so for over a decade with little sign of improvement in rights, security, stability, and economic growth and with signs of a slowing down or reversal of democratisation. States such as Ethiopia, Zimbabwe, Venezuela and Thailand, have experienced the curtailment of democratic institutions, the spread of one-party rule and increasingly authoritarian government.

### **Democratic transitions: some key challenges**

The postulated benefits of democracy in transitional societies has been effectively summarised by Goldstone as follows:<sup>20</sup>

- Democracy would increase democratic accountability; enhance public

engagement; improve the policy environment and reduce corruption (or, at least its more traditional as distinct from modern forms)

- It would increasingly provide legitimacy to governments that had previously relied on a combination of coercion and patronage
- Popular participation in inclusive regimes would help end discrimination, the base of power for previous regional, ethnic or religious struggles
- History suggested that democratic states (even those with diverse historical and cultural backgrounds) did not engage in warfare against other democratic states; this would reduce international conflicts<sup>21</sup>
- Democratic regimes are more likely to invest in public goods and services that benefit the broader population rather than a privileged elite; in turn, this would increase economic growth, reduce vulnerability and potentially inequality
- The promotion of women's rights and human rights are associated with democracy thus improving the general climate of human security
- More recently, in the wake of US interventionism in Iraq and Afghanistan, the appeal of democratically elected government would help diminish the appeal of 'terrorist' groups.

However, the above cited perceived benefits of democracy are characterised by a number of significant weaknesses and internal contradictions as noted by a wide variety of authors.<sup>22</sup> One of the key political and academic debates inevitably revolves around what precisely constitutes democracy and democratic leadership – the literature remains significantly divided. One major school of thought (and policy) highlights a simple and narrow definition of democracy and focuses essentially (but by no means exclusively as the literature debates highlight) on the electoral process arguing that a democracy is a country in which the top political leadership and most legislators are chosen by competitive elections open to all (or nearly all) adult citizens.<sup>23</sup> In this view, the key challenge in effecting the transition to democracy is the organising of 'free and fair democratic elections' and the acceptance of a constitution.



An alternative school of thought emphasises a more complex and broader definition with a strong focus on the functionality of democratic institutions; not just competitive elections but, inter-alia freedom of speech and assembly plus transparency, accountability, representativeness, political equality, rule of law, a vibrant and independent civil society, institutionalised political parties, free media, etc.<sup>24</sup> However, this broader definition, while compelling offers another set of challenges and debates; what precisely constitutes the ‘*rule of law*’ or a ‘*vibrant civil society*’? This also implies that if it is possible to ‘measure’ democracy (as does Freedom House). Second, even if effective measurement is possible, at what point do we define a state as ‘free and democratic’ or ‘not free and undemocratic’?

The task of quantifying democracy (e.g. Freedom House or Polity IV<sup>25</sup>) poses yet additional difficulties; for example, it is relatively easy to classify states where the prime of all elements of democracy are visible or where they are lacking but this is not particularly helpful in transitional circumstances and contexts. What elements in the definition and measurement should be given greater weight or importance – an independent and autonomous judiciary or an effective and responsive legislature; the scope of electoral participation or limitations on executive power; political equality or social equality in access to services etc.; how much weight should be attached to a functioning and representative civil society? These are just some of the intractable debates and challenges.

### **Democracy: a role for civil society?**

Much of the literature and debate on democracy highlights the constitutional, legal, political and executive components and frequently views that issue of effective civil society engagement as a secondary factor. Given my own background in civil society (and, particularly in its educational role), I want to outline some of the key parameters of a role for civil society in democratic transition.<sup>26</sup>

The literature on the nature and potential role of civil society has increased dramatically in recent decades with a number of studies outlining a

number of typologies and frameworks.<sup>27</sup> These authors identify a number of common features that characterise the approach, underlying values and political, social and development roles of civil society organisations including:

- Providing varying degrees of protection for citizens - this basic function of civil society can encompass the literal protection of the lives, freedom and property of individuals and communities against lives, freedom, and property against attacks and the abuse of power by the state or other authorities.
- Monitoring and accountability - this role consists of monitoring and highlighting the activities and behaviour of central or local powers, state apparatuses, and government in general, especially in the context of holding them accountable. Such monitoring can refer to human rights, public spending, corruption, health, education etc. and highlights the principle of the separation of powers.
- Advocacy and public communication- a key test of the effectiveness of civil society is its ability to represent and articulate the interests and needs of groups in society, particularly those of marginalised, excluded or silenced groups. In parallel with this role is the capacity and opportunity to use diverse means of communication in order to bring such interests and needs to the public arena, thereby providing a voice for the often voiceless and consequently fuelling and stimulating public debate. This role has greatly increased in recent decades in areas such as environmental concerns, issue specific campaigns (e.g. landmines) and, crucially, women's rights.
- Education or socialisation - traditionally, civil society in its diversity has contributed significantly to the formation and development (as well as the practice of) democratic values and dispositions in the public at large. Values such as human dignity, human rights, equality, social justice, tolerance, reconciliation etc. remain central to the ethos and agenda of civil society. In this way, democracy is ensured not only by legal institutions but also by dispositions and habits of society at large.

- Building community – civil society at its best builds social capital, strengthens bonds across society, helps reduce social tensions and build social cohesion.
- Facilitating dialogue and, oftentimes, mediation between citizens and the state – independent civil society (and, more specifically its constituent organisations play the role of balancing (and negotiating with) the power of the state and its representative structures and individuals at various levels.
- Service delivery – civil society has increasingly (and controversially)<sup>28</sup> increased its role in service delivery, either on behalf of, or in place of, the state in areas such as shelter, health, education and human development. This has occurred in very different circumstances and contexts where the state can be either strong or weak.

In conclusion, it is worth noting the comment by Amartya Sen (whose work has deeply shaped our thinking and assessment of freedom) who insisted that the *'atrocities of poverty'* will not correct itself:

*'Quiet acceptance – by the victims and by others – of the inability of a great many people to achieve minimally effective capabilities and to have basic substantive freedoms acts as a huge barrier to social change. And so does the absence of public outrage at the terrible helplessness of millions of people... We have to see how the actions and inactions of a great many persons together lead to this social evil, and how a change of our priorities – our policies, our institutions, our individual and joint actions – can help to eliminate the atrocity of poverty.'*<sup>29</sup>



**(Endnotes)**

- 1 Charbonneau and Nichols, Reuters, March 27, 2012
- 2 Reuters, April 10, 2012
- 3 Puddington, A. (2012): *Freedom in the World 2012: The Arab Uprisings and their Global Repercussions*, Washington, Freedom House
- 4 Karatnycky, A. (2000): A Century of Progress, *Journal of Democracy*, 11.1, 187-200; Goldstone, J. (2010): *Representational Models and Democratic Transitions in Fragile and Post-Conflict States*; World Development Report Background Paper, World Bank
- 5 Power, S. (2002): *A Problem from Hell: America in the Age of Genocide*, New York, Basic Books; Human Security Project (2010): *Human Security Report 2009/2010: The Causes of Peace and the Shrinking Costs of War*, Vancouver
- 6 Karatnycky, A. (2000)
- 7 [http://www.nobelprize.org/nobel\\_prizes/peace/laureates/2011/press.html](http://www.nobelprize.org/nobel_prizes/peace/laureates/2011/press.html)
- 8 UNDP (1995) *Human Development Report: Gender and Human Development*, New York, Oxford University Press: 1
- 9 InterParliamentary Union, December 2011 figures, <http://www.ipu.org/wmn-e/world.htm>
- 10 World Bank 2012 *World Development Report: Gender Equality and Development*, Washington
- 11 Dyer, G. (1994): *The Human Race: Is the western model of global development sustainable in a finite environment?* Pennsylvania, Bullfrog Films
- 12 UNDP (1995)
- 13 The Gender Parity Index (GPI) measures the ratio of female over male literacy rates; a GPI between 0.97 and 1.03 is usually considered gender parity. At GPI values below 1, women are disadvantaged and at GPI values above 1, men are disadvantaged. If a country or region reaches universal literacy, with male and female literacy rates of 100%, the GPI would equal 1 by definition. This is the case in the developed regions and in the countries of the Commonwealth of Independent States, both of which are near universal literacy.
- 14 Source: UNESCO Institute for Statistics, Data Centre, September 2010, see <http://huebler.blogspot.com/2010/09/lit.html>

- 15      ibid.
- 16      Freedom House (2009) *Freedom in the World*, Washington,  
see <http://www.freedomhouse.org/report/freedom-world/freedom-world-2009>
- 17      Fukuyama, F. (1992): *The End of History and the Last man*, London,  
Penguin
- 18      There is very considerable debate as to the underlying values,  
definition and measurement of ‘free’ and ‘not free’ states according to Freedom  
House which itself has been the subject of significant criticism for its close  
association with US interests and agendas in particular regions worldwide; for  
its assessment of ‘freedom’ in countries such as Cuba and Russia and for its  
assessment and analysis of key aspects of Islam (for a useful summary, see  
<http://www.un.org/News/Press/docs/2001/ngo432.doc.htm>)
- 19      Zakaria, F. (1997): *The Rise of Illiberal democracies*, Foreign Affairs,  
November/December
- 20      Goldstone (2010), pp 2-3
- 21      on this see Human Security Report 2009/2010
- 22      see, for example, Dahl, R. (1989): *Democracy and Its Critics*, New  
Haven, Yale University Press; Korten, D. (1990): *Getting to the 21st Century:  
Voluntary Action and the Global Agenda*, Virginia, Kumarian Press; Sen, A.  
(1999): *Development as Freedom*, New York, Alfred A. Knopf; Sen, A. (2009):  
*The Idea of Justice*, London, Allen Lane
- 23      see, for example, Schumpeter, J. (1975): *Capitalism, Socialism, and  
Democracy*, New York, Harper; Huntington, S. (1991): *The Third Wave.  
Democratization in the Late Twentieth Century*, Norman, University of Oklahoma  
Press; Sartori, G. (1995): *How Far Can Free Government Travel?*, *Journal of  
Democracy* 6, 3, pp. 101-111; Dahl (1989); Przeworski, A. et al. (2000): *Democracy  
and Development*, Cambridge, Cambridge University Press
- 24      see, for example, Sen, A. (1999): *Development as Freedom*, Oxford  
University Press; Held, D. (2006): *Models of Democracy*, London, Polity Press;  
Freedom House (2009); Diamond, L. and Morlino, L. (eds., 2005): *Assessing the  
Quality of Democracy*, Baltimore, Johns Hopkins University
- 25      Polity IV is the latest version of the most widely used data resource  
for studying democracy and regime change, it is a project of the Vienna-based

Center for Systemic Peace,

see <http://systemicpeace.org/polity/polity4.htm>

26 These observations are made principally in the context of over a decade of engagement in the peace process in Northern Ireland where a seriously truncated role for civil society gave primacy to the formal, institutionalised political process rather than to the broader societal peace process have generated a legacy of significant difficulties as regards areas such as, for example, implementing a Bill of Rights (an integral and legal component of the transition process in Northern Ireland).

27 see, for example Korten (1990); Yankelovich, D. (1991): *Coming to Public Judgment: Making Democracy Work in a Complex World*, Syracuse University Press; Edwards (2004); Paffenholz, T. (ed. 2010): *Civil Society and Peacebuilding: A Critical Assessment*, Lynne Rienner, Boulder

28 see Regan, C. (2012, forthcoming): Too much problem solving and not enough mischief making. *Community Development in Ireland: issues and challenges*, *Africanus* 42:1

29 Amartya Sen, Preface in: Green, D. (2008): *From Poverty to Power*, Oxfam International

## **Human Rights, Political Representation and Democracy: Some reflections**

---

Omar Grech

One of the many issues that arose in the context of the uprisings in North Africa refers to the relationship between human rights and democracy. It was suggested during and immediately after the uprisings that the authoritarian regimes that were displaced were not representative of the peoples over which they governed. The new dispensations that were to be established should follow the principles of representative government, democracy and human rights. However, the relationship between these concepts is not as straight forward as is, sometimes, imagined.

The nature of representative government is difficult to define precisely and the relation between such government and democracy is a complex one. The Universal Declaration of Human Rights seems to imply that all that is required in terms of representational rights is for all citizens to have the “right to take part in the government of his country, directly or through freely chosen representatives.”<sup>1</sup> In terms of democracy it states that “the will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.”

Article 25 of the International Covenant on Civil and Political Rights (ICCPR) essentially reiterates the right to take part in public life and the right to vote and to be elected in elections. The basic requisites for these elections according to this provision are that they be genuine, periodic, based on universal and equal suffrage and also that they be held by secret ballot. This right to political participation and right to political representation are held, like all the rights included in the ICCPR (except for self-determination), by individuals. Thus neither minorities -of whatever configuration- nor indeed other collectivities have political

rights in terms of the Universal Declaration or the ICCPR. It is only the individual members of a minority or collectivity who possess these rights while it is clear that membership of such a minority should in no way impede the exercise of these rights. Hence if a state allows all its adult citizens, without distinction of any kind, full and unfettered exercise of the right to vote in free elections and the right to stand for office in such elections, that state would be fulfilling the requirements of the Universal Declaration and the ICCPR.

Thus there seems to be no clearly established right in international law to a minority (be it social, religious, ethnic, racial or any other) having a representation in government or even in legislative assemblies, although in discussions on the nature of democracy it has been argued that it is important for different sectors of society to have adequate political representation. In terms of the nature of democratic models of governance the most often assumed paradigm is that of majority rule. This has been the case since the earliest manifestations of democracy in ancient Greece. Decisions in democratic Greek city-states were taken on the basis that each citizen had one vote and that the will of the majority should prevail. In describing (unflatteringly) the democratic model Aristotle stated that “whatever the majority decides is final and constitutes justice”<sup>2</sup>. This conception of democratic decision making clearly leaves the minority unprotected from the excesses of the majority. This risk is higher in polarised societies where tension or animosity exist between the majority and minority groups. And it is a risk which has long been recognised. The Roman Republic for instance recognised the importance of institutions which were inclusive of all the main sectors of society; in particular republican Rome was concerned with its two major constituencies: the common people (plebeians) and the aristocracy (the patricians) and eventually fashioned its institutions to accommodate the interests of both. David Held in his comprehensive overview of democratic models refers to a number of concerns raised by different thinkers on the potential risks posed by the majoritarian basis of democratic rule. In this vein, Held refers to Madison’s critique of what he terms pure democracy (as practised in ancient Greece) and its propensity to be “intolerant, unjust and unstable”<sup>3</sup>. In pure democracies, according to Madison, “a common



passion or interest, felt by the majority of citizens generally shapes political judgments, policies and actions” and furthermore the immediate nature of pure democracy means that there was no check on the sufferings that can be imposed on weaker parties<sup>4</sup>. Madison suggested that a large electoral body and representational politics as opposed to direct democracy were tools that would overcome the dangers of the ‘tyranny of the majority’.

The great advocate of liberal democracy John Stuart Mill also recognised the potential dangers of the tyrannous majority operating within a democratic context and thus he conceived of a number of basic liberties pertaining to individuals which could not be denied or overridden by majority rule. In particular Mill considered freedom of speech, freedom of the press and freedom of assembly as important protections for the individuals and minorities against the excesses of the majority. Mill believed that these freedoms together with representative democracy<sup>5</sup> that controlled and monitored a competent bureaucracy would guarantee the benefits of democratic governance while avoiding its excesses.

Admittedly Mill’s conception of fundamental freedoms was limited to a few liberties (of property, expression and association). However his emphasis on liberties which could not be overridden by government provides an essential requirement for democratic governance that does not prejudice the basic rights of individuals who do not form part of the majority. In this context it could be argued that Mill was essentially following Locke’s general conception that “legitimate government based on consent, in which the majority rules but may not violate people’s fundamental rights.”<sup>6</sup> The fundamental rights Locke was referring to were the right to life, liberty and property. It is worth highlighting that Locke’s and Mill’s rights even when amplified by the advent of the International Bill of Rights were not intended to provide political representation in government or in the legislative to minority groupings.

The political representation of minority groups remained a matter for states to regulate. In some jurisdictions different minorities are given quotas in parliament while in others, due to the concentration of a minority in a particular area, it acquired parliamentary representation in

competition with other groups. The problem of minorities and political representation is of special salience where political parties are organised around ethnic, religious or linguistic lines. In such scenarios citizens vote their caste rather than casting their vote<sup>7</sup>. This means that unless there are significant demographic shifts the likelihood is that a political party representing the majority ethnic/linguistic/religious group will maintain a permanent monopoly over government. Thus one-party rule may come about as a result of democratic governance.

The limits of majoritarian democratic systems in terms of the danger of a tyrannous majority were dealt with, to an extent, by classical pluralism. This school of thought claims that in democracies decision making is based on the mediation of different interests pursued by a number of diverse groups rather than on majority-decision making. The key aspect of this school of thought focuses on the following characteristics of democratic states, namely that there exist “multiple power-centres, diverse and fragmented interests, the marked propensity of one group to offset the power of another, a ‘transcendent’ consensus which bounds state and society, the state as judge and arbitrator between factions.”<sup>8</sup> The idea of the pluralist democratic state is that in any given society there exist multiple interest groups which vie with each other to shape public policy and that governments have to mediate these different interests. Furthermore individuals usually “enjoy multiple memberships among groups with diverse –and even incompatible- interests” which means that each group will normally remain too weak and divided to possess excessive power.<sup>9</sup>

Nevertheless in states where there is a strong ethnic/religious/linguistic-based identity the normal patterns of democratic governance described by pluralists disintegrate. The power centres solidify around majority and minority identities and individuals tend to think in terms of monochromatic identities rather than multiple ones. In such states (Northern Ireland or Lebanon are examples thereof) decision making does not conform to the pluralist conception of democratic governance.

In the context of states deeply divided along ethnic/religious/linguistic

lines the importance of guarding against the ‘tyrannous majority’ is even more salient as the minority/ies is/are likely to interpret all decisions taken by the majority from a sectarian perspective. Thus all decisions taken by the majority representatives (in parliament and in government) are usually interpreted as ‘attacks’ on the minority communities even where no sectarian motivation animated the majority decision-makers. Within such a scenario attempts at mitigating the impact of a ‘tyrannous majority’ has attracted two major approaches; one revolves around an involvement of the minority in government while the other maintains the simple majoritarian democratic model with strong minority guarantees in the form of constitutionally protected rights.

The concept of involving, in a structured manner, minorities in governance through the proportional allocation of seats in parliament and in government is referred to in contemporary democratic discourse as consociationalism and is particularly associated with the work of Arend Lijphart<sup>10</sup>. In consociational systems, power is shared among the various groups that obtain parliamentary representation and government is not conducted on the basis of a simple parliamentary majority. Lijphart argues that while most people associate democracy with majoritarian systems there are other systems which he refers to as consensus democracies<sup>11</sup>. In fact, Lijphart suggests that in heterogeneous societies, especially those within which there are deep fissures along ethnic, religious, linguistic or other lines, majoritarian rule is likely to be dangerous. Within such societies “majority rule is not only undemocratic but also dangerous, because minorities that are continually denied access to power will feel excluded and discriminated against and they may lose allegiance to the regime... In the most deeply divided societies, like Northern Ireland, majority rule spells majority dictatorship and civil strife rather than democracy.”<sup>12</sup>

The consensus or consociational model attempts to avoid the dangers that majoritarianism poses in deeply divided societies by focusing on inclusiveness. In the consensus model executive power is not concentrated in the hands of the majority but is instead shared and dispersed. The most evident feature of the consensus model is that the executive is formed not

by the majority but by all or most of the important parties in a broad coalition. This consensus model is adopted in a number of jurisdictions both via informal agreements (such as the case in Switzerland) as well as through formal constitutional arrangements (such as is the case in Belgium and Northern Ireland). In the context of minority protection the consensus model offers not only a passive protection of their key interests by the state but an active involvement by the minority in shaping the policies by which they are to be governed and in this sense a role in shaping their own future.<sup>13</sup> Conversely, divided societies adopting the majoritarian system may offer the minority rights and guarantees as protection against any encroachment against the minority's most fundamental needs and interests.

### **Minority rights and guarantees**

Numerous definitions of minorities may be found in the literature but a definition which has been widely used is the definition drafted by the UN Special-Rapporteur Capotorti who defines minorities as:

*“a group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members -being nationals of the State-possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language.”*<sup>14</sup>

Such minorities are, and have been, an inevitable characteristic of most states. States are rarely constituted of mono-ethnic, mono-religious and mono-linguistic communities. While a few states may be so constituted, most states contain within their borders minorities as defined by Capotorti. From an international law point of view, the concern with such minorities was one of the earliest indicators of a shift in international law from a purely state-centric legal system to a legal system concerned with entities other than states. In fact most legal scholars identify the post-World War One creation of a minorities' regime as prefiguring the human rights era that was eventually ushered by the end of the Second World War.

The essential characteristics of the legal framework for the protection of

minorities that was put in place in the aftermath of World War One was constructed on the basis of a series of treaties between the victorious powers and a number of European states which contained within their borders numerically significant minorities. The post-war minorities' regime however was confined to Europe (except for the inclusion of Iraq) and focused essentially on Central and Eastern Europe (including the Balkans).<sup>15</sup> The system for the protection of minorities was predicated on two principles: that of ensuring equality and that of protecting peculiarities. This was confirmed by the Permanent Court of International Justice in the *Minority Schools in Albania* case of 1935. It stated that the purpose of the system was to secure for minorities "the possibility of living peaceably...while at the same time preserving the characteristics which distinguish them from the majority".<sup>16</sup> The Court then proceeded to explain that in order for this purpose to be achieved what was required was:

*"first...to ensure that nationals belonging to racial, religious or linguistic minorities shall be placed in every respect on a footing of perfect equality with the other nationals of the State...second...to ensure for the minority elements suitable means for the preservation of their racial peculiarities, their traditions, and their national characteristics."*<sup>17</sup>

The system for the protection of minorities disintegrated with the advent of the Second World War and in the post-war era the attention of international law shifted onto the broader concept of individual human rights. This is evidenced in the UN Charter where human rights are referred to abundantly whereas the concept of minority is absent. The Charter however does refer to the principles of equality and non-discrimination which were highlighted above as an essential element of minority protection. Equally there is no reference to minority rights within the Universal Declaration of Human Rights and it has been suggested that this omission is unsurprising in the post-war context given that "to a majority of States, individualistic human rights without any special concession to particular groups of society seemed a sensible, modern, and democratic programme"<sup>18</sup>. The only concession to minority rights in the early history of the UN was a call, made in a General Assembly

Resolution adopted together with the Universal Declaration, for the “thorough study of the problem of minorities”<sup>19</sup>.

The emphasis on individual rights as opposed to group rights seemed to be the right way forward given the perceived failure of the minority rights regimes established in the wake of World War One. While it may be argued that a basic ‘right to existence’ for national, ethnic, racial and religious groups was affirmed through the 1948 Genocide Convention, the same convention did not protect such groups from ‘cultural destruction’ but only from ‘physical destruction’. Thus the post-war legal infrastructure while guaranteeing physical existence for certain groups did not protect their right to cultural existence or more broadly their ‘right to identity’. The emphasis was on equal treatment and non-discrimination; the protection of peculiarities went on the back-burner within the international community.

Eventually though there was a reappraisal of this position and the necessity for both individual rights as well as group rights became apparent. This reappraisal is evidenced in the inclusion of a minority rights clause in the International Covenant on Civil and Political Rights. In this context Article 27 of the Covenant is the relevant provision which is “the conventional and customary law recognising” the rights of minorities in international law:

*“In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.”*

This provision seeks to protect the cultural life of ethnic, religious and linguistic minorities which even in democratic states may be at risk of assimilation into the majority culture. It also attempts to realise the ‘right to identity’ which John Burton identifies, in its human needs form, as an essential need which when denied may lead to violent conflict. The importance of identity in fuelling conflict is clearly stated by Burton:

*“Needs that are frustrated by institutions and norms require satisfaction. They will be pursued in one way or another. These needs would seem to be even more fundamental than food and shelter... Denial by society of recognition and identity would lead, at all social levels, to alternative behaviours designed to satisfy such needs, be it ethnic wars, street gangs or domestic violence.”<sup>20</sup>*

The issue of minority protection is, in fact linked to both self-determination and political representation. In states where minorities participate in government through consensus models of democracy or are allowed a degree of internal self-determination through federal structures or other forms of decentralisation, minorities may have a modicum of decision making powers and control over aspects of governance. However minorities in centralised states, where societies are sharply divided along ethnic, linguistic, religious or other fissures, may lack any form of effective political representation that translates in some form of decision making powers. In the latter scenario, the adoption of national democratic and electoral models based on a winner-takes-all concept may permanently exclude a minority from participation in government. An excellent example of such a state was pre-direct rule Northern Ireland where the Unionist Party governed uninterruptedly for five decades while the minority community remained in opposition throughout. Minorities, barred from exercising internal self-determination, within a centralised state and excluded from decision making processes are likely to interpret this exclusion as an attack on their identity. In these societies which follow a majoritarian electoral system where citizens vote along sectarian lines the decisions of the elected government are likely to be interpreted (rightly or wrongly) through a prism of discrimination. Furthermore, once a democratic model is being maintained and followed the governments in these societies can claim a certain moral legitimacy. In these cases minority rights in the form of equality legislation and protection of peculiarities are the essential and unique guarantees to ensure they retain their identity and are not subject to discrimination at the state or local level.

In the context of democratic transitions some of the above reflections may be useful to consider in determining ways forward. In Tunisia following

the relative success of Nhadha in the elections to the constituent assembly concerns were expressed by secular civil society (in particular women's groups) on the potential prejudicial impact on them of Nhadha's policies. A strong dose of entrenched, constitutionally protected rights could prove useful in such a context to allay fears and ensure that acquired rights are not negated. In the case of Libya where tribal divisions seem to be emerging in the post-Gaddafi era, thoughts about consensus models of democracy may be useful to ensure an inclusive democratic process. The overriding principle in every case should be that of limiting the possibilities of majorities riding rough-shod over minorities of whatever hue and composition. If democratic transitions are to be successful they have to provide stable, accountable and efficient government but also guarantee the internationally recognised rights of individuals and groups. Should the latter be ignored the risk of a cyclical resort to uprisings and revolutions is greatly increased.



### **(Endnotes)**

- 1 Universal Declaration of Human Rights, Article 21
- 2 Aristotle (1983): *The Politics*, Harmondsworth, Penguin, p. 362
- 3 Held, D. (1996): *Models of Democracy*, Polity Press, p. 89
- 4 *ibid.*
- 5 Held explores the limits of Mill's representative government which is however not immediately relevant for this study.



- 6 Sandel, M. (2007): *Justice: A Reader*, Oxford University Press, p. 83
- 7 Darby, J. (1997): *Scorpions in a Bottle*, Minority Rights Publications,  
p. 58
- 8 Held (1996), p. 204
- 9 *ibid.*
- 10 Lijphart himself states that he merely described systems which  
political practitioners had developed over the years. See Lijphart, A. (2004):  
*Constitutional Design for Divided Societies*, *Journal of Democracy*, Vol. 15, no.  
2, April
- 11 Lijphart, A. (1999): *Patterns of Democracy*, Yale University Press, p. 31
- 12 *ibid.* pp. 32-33
- 13 Incidentally such a politically active citizen is what the ancient  
Athenian democracy required of its citizens.
- 14 Monograph 23 prepared by Special Rapporteur Capotorti towards his  
Study on the Rights of Persons belonging to Ethnic, Religious and Linguistic  
Minorities for the UN Sub-Commission on the Prevention of Discrimination and  
Protection of Minorities, UN Doc E/CN.4/Sub.2/384/Add.1-7
- 15 The states which were included in the League of Nations' minority  
protection system were: Poland, Austria, Yugoslavia, Czechoslovakia, Bulgaria,  
Romania, Hungary, Greece, the Free City of Danzig, Albania, Lithuania, Latvia,  
Estonia, Iraq, Turkey, the territory of Memel and the territory of Upper Silesia.
- 16 Permanent Court of International Justice, Advisory Opinion 26, PCIJ,  
Ser.A./B., No.64, 1935
- 17 *ibid.*
- 18 Thornberry, (P.): *International Law and the Rights of Minorities*,  
Clarendon Press, p. 137
- 19 G. A. Res 217 (III) C, UN Doc. A/RES/3/217 C (10 Dec. 1948)
- 20 Burton, J. W.: *Conflict Resolution: The Human Dimension*,  
*International Journal of Peace Studies*, vol. 3. No.1, January available at [http://  
www.gmu.edu/programs/icar/ijps/vol3\\_1/burton.htm](http://www.gmu.edu/programs/icar/ijps/vol3_1/burton.htm)

## **From Apartheid to Democracy in South Africa**

---

Tom Lodge

### **Introduction**

South Africa's democratic settlement is generally viewed as a particularly successful transition from authoritarian government. The settlement in 1994 did bring political violence to an end and it established new institutions which have now been in place for nearly two decades. This success was partly the outcome of fortuitous conditions – of good luck, even. But it was also the product of the skills, capacities and predispositions that the main parties in the settlement brought to the negotiations. This paper will explore the developments and processes that helped South African peacemaking. Subsequently it will address political progress since the transition.

### **Background to the transition**

Apartheid was a system of institutionalised racial discrimination in which black South Africans were excluded from suffrage and normal citizenship rights. It replaced an earlier more piecemeal system of racial segregation in 1948. From its inception as a unitary state in 1910, white minority governments had ruled South Africa. In 1948, the National Party representing Afrikaans-speaking whites of Dutch descent formed a government. The National Party would remain in power, winning successive governments for the next four decades. However social changes would increasingly present challenges to the power of the white minority. By the 1950s South Africa's economy was already substantially industrialised and very rapid expansion of manufacturing growth drew millions of black "Africans" into the industrial workforce. In 1973 mass labour strikes presaged the formation of what would become a powerful African trade union movement. In a key reform, African unions obtained collective bargaining rights in 1981.

The main black political organisations including the African National Congress (ANC) were suppressed in 1960. From 1984, though, the government tried to broaden regime support by enfranchising Indian and “coloured” minorities in a “tricameral” parliament, with separate chambers for each racial group. For this reason the authorities relaxed political restrictions to a degree. A United Democratic Front (UDF) constituted itself and called for a boycott of the new parliament and built an organised following in black townships. UDF leadership included many ANC veterans and within the UDF a core group belonged to clandestine ANC structures. The UDF assembled its mass following through a network of hundreds of affiliated organisations, including trade unions, student and youth groups, and residents’ associations or “civics” as they were known. These bodies brought to the UDF a huge activist following, many members of whom viewed themselves as supporters of the banned ANC.

The ANC itself, from 1976, in conjunction with its allies in the South African Communist Party had been directing a guerrilla insurgency from its exile headquarters in Lusaka and from military bases in Angola. The ANC’s guerrillas helped to inspire and prompt localised insurrections in black “townships”. In late 1983, protests in townships against rent rises led to violent confrontations between crowds and police. These localised clashes escalated into nation-wide tumult. This prompted the deployment of the army and the imposition of a state of emergency in which the police detained 70,000 activists. As financial risk perceptions heightened, in 1984 international banks withdrew loan facilities. The United States and various European governments and the European Union imposed (token) economic sanctions from 1987.

Meanwhile the South African Defence Force was increasingly deployed outside South Africa in efforts to curtail support for the ANC in “Front-Line” African states, including Mozambique and Angola as well as in defending South African controlled settler government in South-West Africa (Namibia). In 1988 the South Africans lost air supremacy at the battle of Cuito Cuanavale in Southern Angola in 1988 and army chiefs began counselling withdrawal from South West Africa. With encouragement from the United States and the Soviet Union a peace

settlement with Angola and Namibian independence was secured by 1990. In this settlement, Namibian whites secured protection and reassurance from a constitutionally entrenched bill of rights. Within white South African politics, rifts had been widening within the Afrikaner community as conservatives opposed government's constitutional reforms and other aspects of its liberalisation. To the left of the government, liberal parliamentary opposition gathered support. In the 1987 elections the Progressive Federal Party won votes among both English speaking and Afrikaner whites as a consequence of business disaffection and dislike of conscription.

### **The beginning of democratic transition**

In 1987 unofficial and secret “talks about talks” started between South African officials and the Lusaka-based ANC leadership. Ministerial level contacts with the ANC's imprisoned leader Nelson Mandela began in 1988. Meanwhile the ANC hosted visits from business groups and a range of different social organisations.

These kinds of contacts continued despite disagreements within the ANC and the Communist Party leadership between hard-line insurrectionists and a pro-negotiations group led by Thabo Mbeki. Then in 1989 there was a change of leadership in the government and National Party. PW Botha was replaced by FW de Klerk. This reflected a shift in power relations within government as Botha had close relations with military commanders whereas de Klerk's power base was within the party organisation. On 2nd February 1990, De Klerk announced the release of Nelson Mandela and other imprisoned leaders as well as the lifting of bans on the ANC, the South African Communist Party and other prohibited organisations. The Government was ready to negotiate a political settlement.

Why did De Klerk initiate transition? Several considerations prompted his decision. Among National Party leaders there was a growing realisation that sanctions and foreign credit restrictions would harm an economy which had more or less stalled since 1980. In particular rising military expenditure was a major concern. And while the ANC could be contained

militarily, the government had no hope of winning the kind of support from black South Africans that would enable it to rule without coercion. As well as these negative concerns De Klerk believed that the international setting had changed favourably. The collapse of Communist governments had ended key sources of the ANC's foreign support. De Klerk believed he would be negotiating with a weakened opponent from a position of strength, bolstered by his command of a still intact administration and a still functioning economy. There was also the government's recent experience of successfully negotiating a socially conservative "moderate" settlement in Namibia. De Klerk and his cabinet allies were also encouraged by the prospect of assembling a powerful coalition of white minority-based parties and black conservative groupings, including the Zulu nationalist *Inkatha* movement. In particular they perceived *Inkatha* as a potentially effective rival to the ANC. This perception influenced their strategic aim of securing a power sharing settlement in which whites would retain a decisive role in government. Government negotiators would be influenced by successful transitions from authoritarian governments elsewhere, especially in Latin America.<sup>1</sup>

Government leaders also knew there was a growing sentiment within the ANC to negotiate a political compromise. By 1989 top ANC officials recognised they could not "escalate" military operations and indeed the ANC was under pressure from its "Front-Line" allies in Southern African governments.<sup>2</sup> It had been compelled to move its soldiers out of Angola in 1988. However, just as was the case with De Klerk, the ANC's principals were confident that they would be negotiating from a position of strength. Opinion polls attested to its popularity and in the UDF and the Congress of South African Trade Unions they could draw upon an impressive organisational infrastructure. As importantly as these pragmatic considerations there was the traditional "non-racialism" of ANC leadership, an ideological predisposition bolstered through the ANC's alliance with the Communist Party. This sentiment inclined the senior and older echelons to consider white South Africans as compatriots, not settlers. Their own successful international diplomacy in the late 1980s encouraged the officials who worked in Thabo Mbeki's international office to think they could secure goodwill from Western governments.

Finally and very importantly, Nelson Mandela favoured a conciliatory course, and given his moral stature within and outside South Africa his views were decisive.

### **Negotiating democracy**

What were the factors that contributed to the settlement?

Time was important. Reaching a sustainable agreement on all the issues at stake needed lengthy bargaining which at certain moments would be interrupted by trials of strength between the two main protagonists, the government and the ANC. Formal negotiations when they began engaged all political groups who were willing to be involved and establishing a consensual constitutional dispensation was inevitably a very protracted process. That there was still in place in 1990 a reasonably effective public administration and economy that continued to function in a more or less routine way, notwithstanding very high levels of labour militancy, these were key pre-requisites for enabling a very long negotiation. They represented conditions that make South Africa different from other African transitions to democracy in the 1990s.

During the four years of transition, political power shifted decisively to ANC. De Klerk lost control of sections of security forces who began to play a “spoiler” role. Paradoxically, the violence resulting from the *agent provocateur* actions of rogue soldiers weakened rather than strengthened De Klerk’s resolve to defend issues which initially were considered by certain National Party leaders as non-negotiable. “Rewards” for De Klerk’s administration and its political supporters were also helpful. These included De Klerk’s winning with Mandela of the Nobel Peace Prize, South African readmission to international sports fixtures, as well as the lifting of sanctions and credit restrictions. It is also likely that National Party successes in recruiting a coloured and black base as well as consolidating white support encouraged political optimism among party strategists. In any case, by 1993, on both sides there was a new compulsion of urgency to reaching settlement, the increasingly competitive violence between black groups, principally between the ANC and *Inkatha*.

Meanwhile the ANC's predispositions to compromise were certainly strengthened by its success in winning international "recognition" from conservative Western governments. Inside South Africa it rapidly constructed an organised mass following, building upon the base structures it inherited from the UDF. Between 1990 and 1994 the ANC demonstrated impressive ability to both *mobilise* and *restrain* its own following, repeatedly using "mass action" as a source of leverage during critical points in negotiations. Aiding its organisational discipline was the democratic centralist ethos it brought back with it from exile, a key borrowing from its long association with the Communist Party. This discipline was decisive in enabling ANC leaders to overcome both elite and rank and file objections to the concessions it offered its adversary, particularly after its decision in 1992 to accept a phase of power-sharing and other concessions to the white minority.

ANC's negotiation skills were derived partly from trade unionist experience of collective bargaining and ex-labour lawyers were conspicuous within its negotiating team. Negotiators on the two main sides could draw upon a battery of constitutional expertise generated by lively debates about different constitutional options during the 1980s. Agreement was also helped by the "constructive ambiguity" through which the terms of the agreement were understood: each side could project its own different interpretations of the settlement in ways that satisfied the expectations of its supporters. Even so, the ANC needed to make a major concession in deciding to moderate its economic plans and drop nationalisation of major industries from its programme. Meanwhile, informal cooperation began between the South African Defence Force (SADF) and *Umkhonto*<sup>3</sup> commanders who began to work out the procedures through which the various armed forces would be integrated. Less constructively, their collaborations also included the fusion of smuggling operations and other criminal activities.<sup>4</sup> From 1992 a transitional authority was established which among other functions would attempt to control of security forces and, more successfully, regulate public broadcasting.

## **The 1994 settlement**

So, what was agreed in 1994?

First of all, after elections there would be in place a power sharing administration in which parties with over 5 per cent of the vote would govern jointly for the first five years. National Party leaders hoped this power sharing might become a permanent dispensation. Political parties would participate in cabinet in proportion to their share of vote. National Party leaders also believed that cabinet would operate through consensus. No civil servants would lose jobs or pensions. Political parties would also share positions in nine new provincial governments. In certain cases their boundaries would coincide with those of the old ethnic homelands. In certain of these new sub-national administrations white and coloured-based political parties had a prospect of winning majority shares of votes as did the major ethnically constituted party, the *Inkatha* Freedom Party (IFP).

The Bill of Rights in the 1994 “transitional” constitution would be entrenched in a final constitution to be drafted by the two houses of parliament in the aftermath of the founding election. These rights would include the protection of property, an extensive list of secondary rights as well as traditional civil liberties. Elections would be held under national list proportional representation, in which parties would win seats in a very close proportion to their share of the poll. In the first election all residents and exiles could vote (including white immigrants who were not nationals). An Independent Electoral Commission would organise and evaluate the election. There would be an amnesty for politically motivated crimes against human rights. The Defence Force and the guerrilla armies would amalgamate and guerrilla commanders would join the senior command echelon. There would be new national heraldry, a new flag and a new anthem.

## **Implementation and democratic consolidation**

The 1994 election produced acceptable results for the major protagonists and resulted in a coalition government between the ANC, the NP



and *Inkatha*. The ANC won just under two thirds of the vote. Despite irregularities, the elections were judged free and fair and the results accorded with earlier opinion polling. As state president, Mandela placed emphasis on symbolic reconciliation with whites, though the ANC, contrary to the NP's hopes, adopted a domineering position within cabinet. The ANC took care to include whites, Indians and Coloured politicians in leadership positions. There were successful local government elections in 1996.

A Truth and Reconciliation Commission (TRC) was established in 1996, inspired partly by similar undertakings in Latin America. Over three years the TRC administered amnesty in which individuals would be offered immunity from prosecution in return for full disclosure. The Commission also undertook a national investigation of human rights crimes, conducted partly through televised public hearings. Opinion polls suggested that most South Africans considered the outcome fair and that the TRC's treatment of ANC and pro-government groups was even-handed.<sup>5</sup> After the adoption of the final constitution a new Constitutional Court was established. The Court has been willing to rule against government and is generally still considered to be free from executive interference.<sup>6</sup> Meanwhile Nelson Mandela's government launched a Reconstruction and Development Programme which prioritised housing and various poverty alleviation programmes. These only had limited effect, though, because economic growth rose only slowly and unemployment remains very high – between 25 and 28 per cent. Partly compensating for the persistence of poverty and sharp social inequality was the expansion of a middle class, as black South Africans took up managerial positions. Generous pension inducements encourage early retirements from civil service created space for vigorous affirmative action in the bureaucracy.

There were several key factors that helped to explain the success of this transition and the subsequent regime stabilisation. This was a “pacted” or closely bargained transition: a consequence of deal-making between strong leadership groups with well organised political support. Comparative experience suggests that these kinds of transitions are most likely to result in stable democracies.<sup>7</sup> Additionally, in comparison to many

developing countries, South Africa is economically advanced, has a large middle class, a strong civil society, and a well institutionalised state. In 1994 South Africa had a “ready made” political party system – inherited from white electoral politics and a well organised extra-parliamentary opposition. Finally by 1994 – and in fact well before then – there was general agreement about who belonged to the nation: all South Africans were agreed that they were each other’s compatriots and there were no seriously secessionist movements.

### **One party - dominant politics**

However notwithstanding the positive achievements of the Mandela administration, South African party politics were essentially a one party dominant system. In the longer term might South Africa’s one party dominant politics threaten democracy?

In South Africa as early as the late 1990s, analysts began to suggest that the country’s politics were moving in an authoritarian direction. Authoritarian dominant-party dynamics are signalled in several ways. Increasingly inequitable electoral competition diminishes prospects of real electoral challenge. Governing groups in degenerate one-party dominant democracies treat parliamentary opponents with disdain. They deny their opponents legitimacy while simultaneously claiming themselves to embody the nation. More broadly, they may seek to curtail opposition within civil society. In such settings opposition remains ineffectual and fragmented. Meanwhile, power and decision-making become more centralised. The party itself becomes bureaucratised and its internal democratic procedures are stifled. Such regimes use patronage to extend “hegemonic” control over public administration, in the process eroding distinctions between party and state. Politically prompted usage of public appointments and public resources may also facilitate more obvious kinds of corruption and venality.<sup>8</sup> Is this a fair description of developments in South Africa since 1994?

It is true that the ANC has won large majorities in successive elections, 62.65% in 1994, 66.35% in 1999, 69.69% in 2004 and 65.90% in 2009.

These elections, though, have generally been judged to be free and fair, and arguably in certain respects have become more so rather than less. Most importantly, it has become progressively easier for candidates of all parties to canvass voter support outside the areas where their core supporters live. In 1994 there were “no go” areas in which canvassers from certain parties were forcibly excluded by their competitors’ activists and supporters. Northern Natal represented a no-go area for the ANC in 1994 as did Soweto for the Democrats in 1994. Such areas were much less extensive in 1999. By 2004 each of the main parties were routinely deploying door to door canvassers in the same neighbourhoods sometimes at the same time. Over the four elections, electoral management by the Independent Electoral Commission has become increasingly effective and in 2009 more than two million new voters were added to the electorate in an especially successful registration drive, especially among people aged 20-29.<sup>9</sup> All the available evidence suggests that voters are confident about ballot secrecy<sup>10</sup> as well as the integrity of the count; after 1994 the electoral results have never been questioned seriously.<sup>11</sup>

The 2009 general election appeared to offer fresh prospects to opposition parties. In 2007, the ANC’s internal leadership elections had resulted in the replacement of Thabo Mbeki as party leader by his deputy, Jacob Zuma. Mbeki was forced to resign as state president nine months later. Mbeki’s deposition had been followed by what appeared to be a significant breakaway from the ANC with the formation of a new party, the Congress of the People Party (Cope). Cope initially seemed to be garnering significant support in the ANC’s traditional heartland in the Eastern Cape, taking over whole ANC branches. Meanwhile in 2009 the Constitutional Court in a decision against the government authorised voting rights for additional foreign residents provided they had registered inside South Africa. This was a judgement that probably benefited the leading opposition party, the Democratic Alliance. Access to the broadcasting media actually improved for opposition parties in 2009 with new rules for election broadcasting and if anything South African Broadcasting Corporation (SABC) coverage of the 2009 poll was less biased in favour of the ruling party than in 1999 and 2004. Indeed during the 2009 election ANC leaders complained that the SABC Board was biased in favour of

Zuma's disaffected opponents, now campaigning in the new Congress of the People Party (Cope). The prospect of losing support within its political bases prompted the ANC to campaign aggressively in certain areas. Ruling party speakers at mass meetings suggested that electoral support would be rewarded with grants or other benefits – by implication, therefore, disloyalty would be punished accordingly. Moreover in the run-up to formal campaigning, observers noted an increased incidence of “robust” electioneering including attacks on rival activists, particularly targeting branch leaders of Cope.<sup>12</sup> In general, though, the weight of the evidence in 2009 suggested that the ANC continued to win its victories mainly through persuasive campaigning rather than as a consequence of coercion, threats or untoward inducements.

So, why is the ANC so successful in winning elections?

One possibility is that South African elections function as a “racial census”. In other words, voters remain divided by historic racial divisions and they identify particular parties as representing their own communal interests. This may explain black voter reluctance to support white-led parties but a diversity of black-led parties exist as well as the ANC. Outside KwaZulu-Natal, none of these parties has succeeded in winning more than a minority of votes, though Cope's 13 per cent share of the vote in the Eastern Cape did represent an unprecedented electoral shift away from the ANC in its historic base. Certainly the ANC benefits from its prestige as the longest established and best organised “national liberation” movement. But ANC electoral campaigning usually emphasises issues rather than racial identity or historical concerns.<sup>13</sup> ANC campaigning is driven by market research and is in other ways very sophisticated and the party is able to spend much larger sums than any of its rivals during elections for it continues to receive very generous donations both from inside and even outside South Africa. Additionally, to the extent that electoral success still depends upon face to face canvassing, the ANC is able to field much larger numbers of canvassers than its competitors. Several analysts attribute the scale of ANC victories to the quality of ANC campaigning, especially with respect to its effect upon a growing segment of undecided voters.<sup>14</sup>

The ANC may find favour with voters as a consequence of its record in government. This is despite the continuation of very high levels of poverty and rising unemployment. A rising proportion of the population have benefitted from an expanding range of welfare benefits and other entitlements and it is likely that these dependent groups are loyal supporters. About 13 million South Africans at present receive such grants. The firmest ANC support is in the countryside amongst two key groups of such beneficiaries: pensioners and the youthful unemployed. Other beneficiaries of government policies include a growing managerial and administrative black middle class, officially nurtured through aggressively implemented affirmative action. There is evident dissatisfaction with local government service delivery but angry protests directed at errant ANC municipal councillors have yet to translate into really decisive switches of support to other parties by core ANC voters. Indeed, recent research by Susan Booyesen has found that protest tends to be concentrated in vicinities with better than average delivery records, partly an effect of the protest itself eliciting improvements in township facilities. As she argues:

*“Protest in South Africa has overwhelmingly not been used in rejection of (mostly ANC) elected government. Rather, protest has been used to pressurise the elected ANC to do more, to deliver on election promises, to replace local leaders, or as a minimum, it has been used to extract promises and reassurances from ANC government.”<sup>15</sup>*

In national elections, protest vicinities continue to deliver high polls for the ANC. In local government the ANC replaces many of its councillors after a single term, two thirds of them in 2011. Effectively the party continues to deflect anger arising from disappointed expectations by blaming shortcomings in its performance on lower echelon leadership.

It is worth noting though, that in each province except for KwaZulu-Natal, the ANC lost votes in 2009. It also received significantly less support than in 2006 in the 2011 local elections. To date, the ANC’s alliance with the Congress of South African Trade Unions (COSATU) has held and in general government policies with respect to the labour market have responded to trade union concerns. Finally, in the 2009 election, a popular (and

populist) leadership choice probably encouraged turn-out among the ANC's core supporters. Indeed the way in which a grass roots movement within the ANC secured the victory of its own presidential candidate probably helped to reinforce a tendency for ANC supporters who dislike government policies to continue to try to oppose them within the ANC itself or through its Alliance partners, COSATU and the Communist Party.

The electoral record, then, really does not offer conclusive evidence to support the view that South African politics are becoming more authoritarian. What about the ANC's performance in government: does it exhibit trends that signal the strengthening or weakening of liberal democracy?

Again the evidence is mixed. Generally speaking, ANC leaders are contemptuously dismissive towards the main opposition party, since 1999, the Democratic Alliance (DA), the heir to a liberal parliamentary tradition that dated back to the formation of the Progressive Party in 1959. The Democrats emerged as the major opposition party in the 1999 election taking over support from the National Party. The NP lost credibility among white voters as a consequence of its evident ineffectualness as the government's junior coalition partner. It withdrew from the coalition mid-term and F W de Klerk resigned as party leader, both developments that weakened it further. After the 2004 election the NP dissolved and its remaining leaders joined the ANC. When the DA won the Western Cape provincial election in 2009 it displaced an ANC administration. In 2009, local ANC spokesmen reacted to the DA's victory with ill grace, warning their followers that the new provincial government was led by racists and calling upon their followers to make the region "ungovernable"<sup>16</sup>. Youth Leaguers in certain localities seem to have understood this call as a licence to organise systematic vandalism of public facilities installed by the new provincial administration.<sup>17</sup> The ANC leadership's treatment, though, of some of the other smaller parties is more considerate and Thabo Mbeki included people from the parties in both his cabinets, a practice that Jacob Zuma maintained with his appointment of the all-white (Afrikaner) Freedom Front's Pieter Mulder to the Agriculture portfolio.

Of course, inclusion in coalitions may help to inhibit smaller parties from playing an effective oversight role in parliament. Certain ANC parliamentarians themselves have paid heavy penalties for their efforts to hold the party leadership and the executive branch of government to account. Andrew Feinstein's enforced resignation in August 2001 after his refusal to restrict the Select Committee on Public Accounts' inquiry into arms contracting was a case in point. The 1998 arms deal scandal would also test the government's respect for judicial autonomy and Mbeki's resignation from the presidency in 2008 followed Judge's Chris Nicholson's censure of presidential pressure on the National Prosecutor's office. To be fair, though, as this episode demonstrated, judges remain vigorously assertive and ready to rule against the government in their judgements. Political leaders have generally responded to such judgements calmly though executive compliance with such judgements has been very uneven.

ANC politicians are more likely to react angrily to media criticism and they appear to be convinced that the mainstream "commercial" press is ideologically hostile and still largely controlled by "white" business. This conviction has recently prompted the party to seek sponsors for a loyal daily newspaper, *New Age*, launched in 2011 with support from the Gupta family, friends of Jacob Zuma. More worryingly, new legislation for the Protection of Information threatens to extend the scope of official secrecy in such a way that newspapers might risk heavy penalties if they investigate venal politicians. The law is now under scrutiny at the Constitutional Court. In the end after various revisions, ANC drafters were able to overcome objections to earlier versions within its own parliamentary caucus. Earlier drafts of the Bill did arouse extensive protest including opposition from key trade unionists and key ANC notables including Tokyo Sexwale, Zuma's housing minister. Indeed the ANC's Pallo Jordan criticised the Bill as the expression of a "fool's errand", asking the question, "How did the ANC paint itself in a corner where it can be portrayed as being opposed to press freedom"?<sup>18</sup> Concern to shield top politicians from corruption allegations may have received fresh impetus with Jacob Zuma's accession to office given his own notoriety as a rent-seeker.

An additional source of sensitivity for the ANC leadership with respect to corruption issues is the party's reliance on bribes from prospective contractors as a source of election campaign funding, at least in 1999.<sup>19</sup> The ANC now has its own investment corporation, Chancellor House, which in 2010 obtained five mineral prospecting licenses from the Department of Mineral Resources. As well as making its own investments, Chancellor House now supplies the major channel for corporate contributions to the ANC.

Official corruption in South Africa has remained at middling levels with respect to international comparisons through the last decade, though South Africa's ranking in Transparency International Corruption Perception Index (CPI) has fallen from 38th in 2001 to 64th in 2011. CPI ratings over the years do not suggest that the extent and depth of corruption in South Africa has altered significantly: the rating has hovered around 4.1, a borderline rating in a scale in which 10 represents "highly clean" and 0 is "highly corrupt". In 2006 the International Crime Victim Survey included South Africa in a study of 13 African countries. Respondents were asked whether they had been asked by public officials for a bribe during the previous year. Around a third of respondents had been asked for bribes in Uganda, Mozambique and Nigeria. The frequencies of such experiences were lowest in Botswana (0.8 per cent) and in South Africa (2.9 per cent), a slightly higher proportion in South Africa than the 2 per cent a similar survey had recorded in 1997.<sup>20</sup> This kind of evidence indicates that petty corruption is far from routine in South Africa's public administration, except perhaps in the police. Press reportage of corruption emphasises venal behaviour by elected officials who control tendering at all levels of government. In 2007 surveys of companies suggested that about a third expected to bribe officials to secure contracts, only slightly lower than the Sub-Saharan African average.<sup>21</sup> In 2009 the Auditor General reported that 2000 civil servants who held private interests had engaged in tender abuse. Political appointments ("deployments") on the boards of parastatal corporations as well as public contracting in favour of companies directed by party notables help to blur lines between public and sectional interests as well as extending organisational "hegemony". In 2007 40 per cent of the ANC's MPs listed interests as company directors.<sup>22</sup>



These discouraging developments are offset to an extent by the strengthening of the ANC's political opposition, more visible commitment to parliamentary oversight among certain ANC backbenchers as well as the endurance within the ANC of an assertive rank and file.

In the last general election the Democratic Alliance obtained nearly 3 million votes, nearly 17 per cent of the total ballot and 67 out of the 136 opposition seats in parliament. It performed better still in the 2011 local elections, obtaining 24 per cent of the vote overall. More generally opposition has consolidated into three main parties, the DA, Cope and the IFP with the other parties obtaining progressively smaller vote shares in successive elections. An IFP collapse following a leadership change would probably see an exodus of IFP supporters to the ANC but the DA can reasonably hope to be the main beneficiary of other parties' declines. Though the DA has invested effort in trying to recruit black members and establish African township branches the 2009 election results confirmed it had yet to win serious numbers of African votes even in the Western Cape where it emerged as the most popular party among coloured voters. DA officials themselves acknowledge that they have yet to take votes from the ANC and that so far their gains have been at the expense of smaller parties.<sup>23</sup> In the Western Cape, its fortunes among Africans may change, though, with the benefits of incumbency. In 2010 DA won several key ward by-elections in which African support was decisive. In Grabouw in the Western Cape and in Mkhondo in Mpumalanga in which the party obtained 49 per cent and 52 per cent of the vote both represent fresh evidence of the DA's potential to attract black support. African voters are a majority in Grabouw and make up almost all the electorate in Mkhondo. However such polls feature very low turnout and by-elections tend to attract protest voters who then vote differently in national contests.

A succession of local reports since the last general election of ANC activists forcibly closing down DA meetings may represent a reversal of previous trends towards a free environment for party competition. In its local settings, ANC activism is increasingly organised by the Youth League, a much better resourced and more locally assertive organisation than was the case a few years ago. Whereas the ANC's local organisers

were often people with trade union experience with consequent training in democratic procedures this today is less likely. Typically today's grass roots activists are very young, politically inexperienced and often very aggressive to opponents. In the Western Cape Youth Leaguers have earned rebukes from their own party's provincial leadership for their intemperate language and volatile behaviour.<sup>24</sup> Such censure has limited effect; the Youth League has its own business interests and with financial independence can risk displeasing the ANC's elders. This year the national executive finally decided to expel the Youth League's president, Julius Malema, finding fault not so much with his racist demagoguery directed at whites but rather with his criticisms of the Botswana government as a pro-Western "puppet regime".

With respect to parliament, after the advent of Jacob Zuma's government the Standing Committee of Public Accounts (SCOPA) became much more assertive in exercising oversight, insisting that cabinet ministers appear before it and subjecting them to tough questioning.<sup>25</sup> This welcome development followed sharp criticism by a specially appointed independent panel of SCOPA's deference to the executive during the arms contract investigation.<sup>26</sup> In November 2010, however, several of the ANC's more assertive portfolio committee chairs were replaced in a reshuffle of parliamentary posts with more compliant figures holding more junior status in the party hierarchy.<sup>27</sup>

The third positive trend has been the continuing vigour of the ANC's own internal life. In degenerate dominant party systems the ruling party's internal procedures tend to become sclerotic. A range of fieldwork-based studies conducted between 2003 and 2007 attested to the ANC's retention of an active membership structure organised into lively branches.<sup>28</sup> These studies were undertaken around Johannesburg and may not have been altogether representative. The ANC's own internal documents suggest that the quality of branch life is very uneven. For example the 2010 Secretary-General's report noted a 125,000 increase in membership since 2007 – it is now around 750,000 – but conceded that membership tends to fluctuate, expanding before elective conferences and declining thereafter. Most of the new membership had been recruited in one province, Kwan-

Zulu Natal, mainly in territory previously closed off to the ANC by *Inkatha* supporters. Nationally, since 2007, the number of branches “in good standing” had declined and all too often, as in Limpopo Province “general membership is not involved in activities” and “there is minimal contact between branches and the communities they are located in”. In general, the report acknowledged “there was a decline in consciousness among the general membership and frequently people were joining the organisation principally because they wanted “to access resources”.<sup>29</sup>

From a broader perspective, and more positively, trade unions continue to exercise influence over policy makers, sometimes in the wider public interest as with their opposition to the Protection of Information Bill. Jacob Zama’s own accession to the party leadership in 2007 confirmed, of course, that rank and file membership can challenge and displace party leaders. The ANC re-elects or elects its leadership at party Congresses held at five year intervals. Though certain positions had been contested after 1991, the 2007 election was the first time since the 1950s that an incumbent president was displaced. Thabo Mbeki’s defeat was the consequence of several considerations. As Mandela’s deputy and as state president from 1999 he was widely perceived to be the architect of liberal economic policies disliked by trade union allies and blamed for high unemployment. This might have mattered less if Mbeki had not centralised policy-making so much within the presidential office, effectively insulating decisions from the influence of the ANC’s national executive. His aloof managerial style helped to compound his unpopularity. Finally, from 1998 the ANC embraced a strategy of political patronage in which leadership “deployed” party loyalists into key positions in the bureaucracy and in para-statal corporations. Simultaneously it also began using government contracting and licensing to promote black owned business. As a consequence at each of three levels of government and associated bureaucracy – national, provincial and local – holding political office enabled individuals to become very wealthy and to use their influence to build their own personal followings within the party organisation, especially within provincial governments. Deployment and patronage opened up the scope for personalised networks of power within the ANC and competition for office and positions within the organisation became increasingly factional.

Personal rivalries helped to complicate as well as intensifying ideological tensions within the organisation and between it and its allies.

Jacob Zuma's accession was supported by trade unions, a section of the leadership of the Communist Party, whose 100,000 membership overlaps the ANC's much larger following, and the ANC Youth League. Since Zuma's election to the state presidency, perceived Mbeki loyalists have lost positions on boards and have been "redeployed" away from key posts within the civil service. Internal ANC politics remains very divisive. At the end of this year the ANC is once again holding leadership elections. At present, the main trade union leaders fall into two camps: a group that favours Zuma's re-election and a group that favours his replacement by his deputy, Kgalema Motlanthe. Trade unionists who support a more abrupt nationalisation of the mining industry as well as land expropriation without compensation belong to the pro-change group. Zuma can probably count on the support of public sector worker unions and the mineworkers whose leaders tend to endorse the relatively moderate policy prescriptions on land reform, and state intervention, whereas the radicals are concentrated in the traditionally militant National Union of Metalworkers.<sup>30</sup> Meanwhile the Youth League looks likely to oppose Zuma's re-election: it too favours land expropriation. Though trade unionists are often conspicuous within the Communist Party, for the time being key Communist officials remain in the Zuma group. Communists comprise about half of Zuma's cabinet appointments.

The evidence reviewed above does not show an obvious or uninterrupted movement towards authoritarian dominant politics. South African voters in well conducted elections continue to accord support and hence opportunities for a relatively effective parliamentary opposition. To be sure, there is disturbing evidence of autocratic inclinations among ANC leaders and far too much venality among senior office holders is unchecked but day to day public administration remains fairly honest. ANC parliamentarians on occasions challenge members of the government and the party's organisation itself as well as its allies have the capacity to check domineering leaders.

## **Future prospects**

What are the most likely scenarios?

For the ANC's critics a pessimistic reading of current trends seems the most plausible scenario. From this perspective, the ANC would continue to oscillate between weakening adherence to constitutional form and strengthening more authoritarian reflexes. To a very considerable extent democratic prospects would depend on the extent to which anti-authoritarian protest can mobilise support within the ANC's own constituency, including the labour movement. The degree to which internal democratic restraints check the current predispositions among ANC leaders to suppress investigative journalism represents a good indicator of the ANC's future commitment to democratic accountability. Activist aggression directed at opposition parties since 2008 would in this reading represent a trend rather than aberrations.

A second alarming possibility might be that the ANC may be weakened by internal tensions to the point that it splits in such a way that its ability to organise persuasive electoral campaigning is seriously damaged. It might then be induced to retain power through eroding constitutional restraints and through coercive electioneering. Internal tensions so far have not generated a really severe fission. This did not happen with the Cope breakaway in 2008 despite the secession of a key group of senior party notables. The most dangerous development for the ANC would be the withdrawal of trade union electoral support. Given that COSATU's strength is in its affiliates based in the public sector this seems unlikely. To date for all their grumbling, COSATU leaders had been rather successful in protecting their members' livelihoods and their proximity to government has been the key factor in this success. As long as trade unions can maintain their relatively privileged access to policy-makers the threat of a serious secession from the ANC will remain remote.

The third scenario to consider is a steady growth of electoral support for the opposition. The decisive development here would be a breakthrough by the Democrats in obtaining African votes. Ten years of real effort by the Democrats to build an African base have so far yielded slight

dividends in parliamentary elections. Meanwhile Cope's post electoral in-fighting does not suggest that they are likely to supplant the DA as the main opposition.<sup>31</sup> DA progress in establishing an organisational presence in the ANC's base areas has been very slow and might well in future be aggressively resisted by local ANC activists. Even so, the DA might well take over the African voting bases of some of the declining smaller parties, though in the Eastern Cape since 2009 the ANC's provincial leadership has been working hard to recapture the loyalty of Cope "defectors".<sup>32</sup> In KwaZulu-Natal, the ANC has been the main beneficiary of *Inkatha's* decline.



### (Endnotes)

- 1 For a good more detailed discussion of the considerations influencing de Klerk see Guelke, A. (2005): *Rethinking the Rise and Fall of Apartheid*, Basingstoke, Palgrave Macmillan, pp. 162-163
- 2 In 1989 ANC secretary general was quoted as saying that the "ANC did not have the capacity to intensify the armed struggle in any meaningful way". Nzo was mistakenly reading from a secret national executive report when he spoke at a press conference. *New York Times*, February 9, 1990
- 3 Umkhonto we Sizwe (Spear of the Nation) was the armed wing of the African National Congress
- 4 For an explanation of Umkhonto's commander, Joe Modise's role in fostering such activity see: Johnson, R. W. (2007): *South Africa's brave new world: the beloved country since the end of Apartheid*, London, Allen Lane
- 5 For the fullest analysis of public opinion on the TRC see: Gibson, J. (2004): *Overcoming Apartheid: Can truth reconcile a divided nation?* Cape Town, Human Sciences Research Council Press
- 6 Rod Alence supplies a helpful and positive assessment of the Court's independence in "South Africa after Apartheid: the first decade", *Journal of Democracy*, 15, 3 (2004): pp. 78-92
- 7 See, for example, Karl, T. L. (1990): *Dilemmas of Democratization in Latin America in: Comparative Politics*, 23, 1
- 8 Giliomee, H. and Simkins, C. (1999): *The dominant party regimes of South Africa, Mexico, Taiwan and Malaysia: A comparative assessment*, in: Giliomee, H. and Simkins C.: *The Awkward Embrace: One Party Domination and Democracy*, Cape Town, Tafelberg, pp. 1-45
- 9 Compare the following two evaluations of the 1994 and 2009 elections respectively: Johnson, R. W. (1996): *How Free? How Fair?*, in: Johnson, R.

W. and Schlemmer, L.: *Launching Democracy in South Africa: The First Open Election*, April 1994, New Haven, Yale university Press, pp. 323-352; February, J. (2009): *The Electoral System and Electoral Administration*, in: Southall, R. and Daniel, J. (eds.), *Zunami: The 2009 South African Elections*, Auckland Park, Jacana, pp. 47-64

10 For very positive exit polling findings on the secrecy of the ballot see Michael O'Donovan, M. (1999): *Election Day Exit Poll*, in: Muthien, Y.: *Democracy South Africa: Evaluating the 1999 Election*, Pretoria, Human Sciences Research Council, p. 37

11 Afrimap (2006): *South Africa: Democracy and Political Participation*, Open Society Foundation, London, pp. 98-99

12 Booyesen, S. (2010): *The Political Environment of Election 2009*, in: Matlosa, K. (ed.): *Election Update: South Africa, February-July 2009*, Johannesburg, Electoral Institute of Southern Africa, p. 10

13 For survey-based findings that back an argument that voter support for the ANC in 1994 was as much about "judgement and choice" as social identity see Mattes, B. (1995): *The Election Book: Judgement and Choice in South Africa's 1994 Election*, Cape Town, IDASA Public Information Centre

14 ANC campaigning in elections held since 2004 is evaluated in Lodge, T. (1999): *Consolidating Democracy: South Africa's Second Popular Election*, Johannesburg, Witwatersrand University Press, chapters 4-7; Lodge, T. (2005): *The African National Congress: There is No Party Like it*; Ayiklo Efana Nayo in: Piombo, J. and Nijzink, L.: *Electoral Politics in South Africa: Assessing the First Democratic Decade*, New York, Palgrave Macmillan, pp. 19-147; Butler, A. (2009): *The ANC's National Election Campaign of 2009*, in: Southall, R. and Daniel, J. (eds.): *Zunami*, pp. 65-84

15 Booyesen, S. (2011): *The African National Congress and the Regeneration of Political Power*, Johannesburg, Witwatersrand University Press, p. 126

16 Southall, R. and Daniel, J. (eds.) (2009), p. 269

17 Underhill, G. (2010): *ANCYL admits role in Cape protest*, Mail and Guardian, November 19, 2010

18 Benjamin, C. (2010): *Media gag's a fool's errand – Jorda*", Business Day, November 23, 2010

19 Feinstein, A. (2009): *After the Party: Corruption, the ANC and South Africa's Uncertain Future*, London, Verso, p. 158. For details of the activities of ANC-linked companies and the donations the ANC received from various Black Empowerment concerns see Paton, C. (2007): *Financing the ANC: Untold Millions*, Financial Mail, January 19, 2007

20 Naude, C. M. B., Prinsloo, J. and Ladikos, A. (2006): *Experiences of Crime in Thirteen African Countries: Results from the International Crime*

- Victim Survey, Electronic Publication, UNICRI-UNODOC, pp. 37-39; Orkin, M. (1998): Victims of Crime Survey, Pretoria, Statistics South Africa
- 21 World Bank-International Finance Corporation (2008): South Africa: Country Profile, 2007, Washington, p. 9
- 22 Carol Paton, C. (2007): ANC and Business: Soul for Sale, Financial Mail, January 19, 2007, p. 27
- 23 Conversation with Sejamothopo Motau, MP. Johannesburg, November 24, 2010. For the party political origins of party support in the 2009 election see table in Booysen, S. (2010): Party Opposition perpetually on the verge of promise – South Africa’s Election of 2009, Journal of African Elections, 9, 1, June 2010, p. 97
- 24 Mtyaka, Q. (2012): ANC blames Cape YL, Pretoria News, May 31, 2010
- 25 Chanza, N. (2010): South Africa’s Fourth Parliament 2<sup>nd</sup> Term: Progress Report, Parliamentary Monitoring Group, IDASA, Cape Town, p. 1
- 26 Parliament of South Africa (2009): Independent Panel assessment of Parliament, Cape Town, January 13, 2009, p. 40
- 27 du Plessis, C. (2010): High calibre flak as Zuma mum on cabinet shake-up, Sunday Independent, November 21, 2010
- 28 Beresford, A. (2009): Comrades back on track: the durability of the Tripartite Alliance, African Affairs, 108, 432; Darracq, V. (2008): The ANC organization at the grassroots, African Affairs, 107, 429; Gunner, L. (2008): Jacob Zuma, the social body and the unruly power of song, African Affairs, 108, 430; Lodge, T. (2004): The ANC and the development of party politics in South Africa”, Journal of Modern African Studies, 42, 2; Lodge, T. (2006): The Future of South Africa’s party system, Journal of Democracy, 17, 3
- 29 Quotations from Mantashe, G. (2010): Report on the State of the Organisation by the ANC Secretary General, ANC Website
- 30 Letsoalo, M. (2012): Unionist choose sides, Mail and Guardian, March 23, 2012
- 31 For the damage to Cope’s branch-level organisation resulting from its leadership strife see Mataboge, M. (2010): Regions just not coping, Mail and Guardian, May 14, 2010
- 32 Smuts Ngonyama believes that leadership divisions have had an enervating effect upon Cope’s branch level membership: meetings in the Eastern Cape are now badly attended with the factions loyal to Mbazima Shilowa or Terror Lekota dividing the movement round down to its base (conversation with author, Johannesburg, November 24, 2010)



**Tunisia after the Revolution:  
Democracy between Stalling and Collapsing**

---

Bechir Chourou

*How can I live through another day  
Watching my dreams turning to ashes  
And my hopes into bits of clay*

*(From the song "What Now My Love")*

On December 17th, 2010 a perfectly unknown man, who was named Mohamed Bouazizi and who lived in a little-known small town in the centre of Tunisia called Sidi Bouzid, decided to set himself on fire in front of the Governor's office. Unable to get a steady job of any kind, he tried to eke out a living for himself and his family by selling few vegetables that he carried around on a cart, but the police kept confiscating his cart and vegetables because he did not have a licence to be a street vendor. On that particular day, the same scenario was replayed once again, and once again he went to the Governor's office to try to recuperate his belongings and/or get a licence for his trade. But once again, they would not even let him into the building. So he decided to burn himself.

As dramatic as that act of self-immolation may have been, it could have been dismissed as just a suicide attempt by a disturbed young man. In fact, that is how local authorities initially treated the incident. But witnesses who saw and heard Bouazizi just before he was engulfed in flames, as well as other town inhabitants, knew from the outset that Bouazizi was making a political statement in protest of the neglect, marginalisation and oppression from which his town and surrounding areas have been suffering for decades. In fact, the entire south-western part of Tunisia has always been considered as a hotbed of rebellion because it periodically rose up against the government, but successive regimes have been able to quell by force any protest or discontent movements. This time, however, repression was going to fail.

It quickly became evident that Sidi Bouzid was a tinderbox that was just waiting for a spark to ignite it, and Bouazizi provided that spark. Before even firemen arrived on the scene, thousands of people were converging there, chanting anti-government slogans, attacking and burning government buildings, and confronting policemen who rushed out of their barracks in large numbers. The rebellion had started in earnest.

Within hours news about events in Sidi Bouzid spread through Facebook and Twitter. In reaction, riots broke out in neighbouring towns and started moving first northward, and then relentlessly in all directions. On December 27th, they reached the capital Tunis. For the following 19 days the country was in turmoil. Everywhere, crowds demanded adamantly the same thing: “Ben Ali *dégage*,” i.e. get out. Eventually, the ex-President did get out; he fled to Saudi Arabia, taking his family with him. That was on January 14th, the date which was chosen (perhaps unfairly to Bouazizi and Sidi Bouzid) to be the official date of the Revolution.

There are many aspects of the Tunisian Revolution that are remarkable and that will undoubtedly be debated and analysed for years to come. This paper proposes a preliminary discussion of two of these aspects. The first is that the revolution ever occurred in the first place. Both under Bourguiba and Ben Ali Tunisia had gone through a number of episodes of more or less serious unrest, sometimes quite violent, but the regime was always able to quell them and never came under serious threat. So everyone thought that this was just another minor annoyance – a mere flash in the pan – that will be quickly and efficiently dealt with. Of course, events were to prove otherwise, and we will propose an explanation for this exception.

The second remarkable feature of the Tunisian revolution relates to the impact the revolution has had in other parts of the world, most particularly in other Arab countries. As the revolution was still in its early stages in Tunisia, large crowds started occupying streets and plazas in a number of Arab capitals, and within weeks the regimes in Egypt, Libya and Yemen were toppled. These developments called for a re-examination of many previously-held ideas (some of them elevated

to the status of axioms or laws). One such idea is that the Arab world is immune to democracy and will remain forever – along with North Korea and Cuba – the last bastion of authoritarian rule. Another is that even if democratically elected governments are established, they are not likely to last because democracy is incompatible with Islam and cannot take root in patriarchal authoritarian societies such as Arab societies. In other words, the democratization process in Arab countries is neither unavoidable nor irreversible.

In light of what is taking place in Tunisia and other Arab countries, can we say that these ideas have been or will be shown to be wrong? Concerning the first point, it will be argued here that it may have been difficult, or even impossible, to predict *when* the revolution would take place in Tunisia. However, it would not have been difficult, or particularly sagacious, to predict that a revolution *had* to occur, not only in Tunisia but in many – if not all – other Arab countries as well. Revolutions or revolts or upheavals are not perchance events. Rather, they are like active volcanoes; they may smoulder for years without erupting but we can be sure that they *will* erupt one day. In Tunisia and other Arab countries, popular anger had been smouldering for years, and keeping it under a tight lid did not and could not make it go away. Bouazizi merely provided the first breach from which the impatient lava could be released, first in Tunisia and then elsewhere.

With respect to the second point relating to the sustainability of democracy (if and when it is established), its discussion at this point may be premature. Barely a year has gone by since the onset of the Arab Spring. So far some autocratic regimes have been toppled, but others are still in power and are either fighting for their survival or are making pre-emptive concessions to stymie revolts. But whatever the case may be, there has not been sufficient time for any situation to jell, or any solid evidence to emerge indicating the likely outcome of a process that is still underway. Such a viewpoint is well taken: You cannot have an objective evaluation of a situation that has not yet occurred or that has just got under way. Nevertheless, it will be argued that an analysis of the Arab Spring must be undertaken immediately because if we wait for further

evidence to emerge, we might miss an opportunity to influence the course of events. In my opinion, what has taken place so far does not portend a good future for democracy in Tunisia or the rest of the Arab world. In fact, there is a serious risk of having a new form of autocracy replacing the old one. However, it is still possible to avoid such an outcome if proper and timely action is taken.

The paper will be organised as follows: Part I will deal with the root causes of the Tunisian revolution and, more generally, of the Arab Spring. Part II will examine the likely direction that revolutions in Tunisia and elsewhere in the Arab world may take, either towards effective and sustainable democracies or towards new forms of authoritarian rule. Part III will suggest measures that may favour the emergence and growth of democracy on the Southern shores of the Mediterranean.

## **I – Origins of the Tunisian Uprising**

Ten days after Bouazizi set himself on fire, President Ben Ali still believed that he was dealing with a minor incident that foreign media conspired to blow out of proportion. Even when demonstrations were held in Tunis on December 27th, 2010 he refused to acknowledge the existence of a serious situation that needed particular attention. In fact, it has been reported that as he was boarding the plane on his way to Saudi Arabia, he was dismayed at what was happening and did not understand why he was made to flee.

Ben Ali's foreign friends were also taken by surprise when riots broke out in the country. Some of them offered to send equipment for riot control. Others vaguely called for an end of violence. But practically all appeared to believe that the situation would eventually come under control. Such an attitude is not difficult to understand. For twenty three years the Ben Ali regime conveyed an image of Tunisia as a stable, prosperous, moderate and modern country. Foreign countries and international organisations accepted that view quite readily, and went out of their way to confirm it in official declarations and reports. When human rights activists and organisations made claims that the Ben Ali regime was guilty of major

violations of human rights and of crimes against opposition leaders, the claims were denied and their authors punished.

### **The enemy of our enemy**

During the Cold War the American and Soviet camps were in constant competition over friends and allies, and were willing to pay whatever was necessary to attract and keep “Third World” countries in their respective camps. After the collapse of the Soviet Union, the war should have ended for lack of an enemy – but it did not. US economic and political interests, particularly in the Middle East, were not completely secure against a renewed activism of Fundamentalist movements here and there, and the intention of some Arab leaders to challenge the existing status quo. For example, Saddam Hussein had declared in February 1990 that after the disappearance of the Soviet Union, the Persian Gulf could fall under the complete control of the United States, and that the Arabs should unite to defeat such a plan. In response, the US launched on January 1991 its first invasion of Iraq. The official reason was to repel Iraqi occupation of Kuwait, but the real reason was, as explained by Zbigniew Brzezinski at the time, to ensure stable supply of Gulf oil at reasonable prices. Then, there were the infamous events of September 11th, 2001 which prompted the US to launch an all-out war on terror in general and Al Qaeda and Qaeda-sponsored terrorist organisations in particular. To insure the success of that operation, the US sought to mobilize as much support as it could.

There was a time when anyone who claimed to be anti-Communist could count on the unwavering support of the US. After the death of Communism the new enemy became Fundamentalism or, more precisely, Muslim Fundamentalism. The immediate consequence was that nearly all Arab regimes declared their full support of the US and proceeded to chase all those terrorists who had been hiding in their midst. Many of the arrested suspects were not even practicing Muslims and had no connexion with terrorist groups, but who was going to quibble with such details?

### **Interests vs. principles**

US foreign policy has been characterised by a clear separation between principles and interests to the point where that foreign policy appeared to be inconsistent. Thus, the United States has a long history of supporting dictatorships, although it presents itself as a champion of democracy. The European Union (EU), on the other hand, has not had a common foreign policy in any area or domain – at least until recently. With respect to the Arab region, Europe tended to follow the US lead when it came to the Middle East, while it tried to play a leading role in North Africa. But here too there is a kind of division of labour whereby the EU members tended to yield to the more ‘relevant’ members, namely, France, Italy and Spain. And what we observe is that these three countries, and most particularly France, as well as the European Commission, tended to give a nearly unconditional support to the autocrats in power. The only institution that would every now and then criticise those autocrats was the European Parliament.

Successive US administrations and European governments tried to justify their policies in various ways. The most common argument is that the Arab regimes in place make an invaluable contribution to the security of Western governments by preventing dangerous elements from migrating illegally to Europe where they might become involved in terrorism or drug trafficking or other illegal activities. The same Western governments might concede that ruling regimes do not always have a good track record in the areas of respect of human rights, accountability or democracy, but they maintain that discreet behind-the-scene pressure is being brought to bear on them to adopt appropriate reforms. They further indicate that they have adopted in the last few years a substantive change in policy whereby they no longer consider Islamist movements systematically as radical or dangerous; instead, they recognise that there are moderate Islamists and they would be willing to open a dialogue with them (it remains unclear what topics the dialogue would deal with). Most of these ideas have come in the framework of programmes such as the US Middle East Partnership Initiative (MEPI) or the EU European Neighbourhood Policy (ENP).

## A change of heart?

Much criticism may be addressed – and has been addressed – to these policies. It is not the purpose here to evaluate those policies or opinions about them, but there is one point that needs to be underlined. American and European policies towards the Arab world are often said to be inconsistent. While it may be true that those policies are inconsistent with values that the US and the EU proclaim as essential considerations when dealing with foreign States, it is *not* necessarily true that they are inconsistent in the sense that they vary with time and space. Some might reject this view as contrary to observed facts and to a certain extent, they would be right. As mentioned earlier, the initial reactions from Western capitals when the Tunisian uprising was taking place were either supportive of Ben Ali, or cautiously noncommittal (e.g. no to violence, there should be negotiations, etc.), or pretending that nothing important was taking place. The same trend was to be observed later on in the case of Egypt, Bahrain, Yemen or Morocco. Then, when it became evident that the protesters would accept nothing short of the departure of the targeted dictator, the latter's erstwhile supporters abandoned him or even forced him out of power. However, one position taken in one country is not necessarily repeated elsewhere even when the situations are nearly identical. To confuse matters even further, some dictators repressed violently popular uprisings without eliciting any reaction in Western capitals.

At first glance this behaviour may appear inconsistent, but the inconsistency depends upon where the observer stands. For a third party observing the two protagonists (the concerned dictator and his foreign patrons), the discrepancies are evident. For the concerned dictator, he probably felt betrayed when his friends turned into tormentors. But from the point of view of Western governments their stands concerning each Arab uprising are not at all inconsistent: in fact, they are quite consistent in that they all serve the national interest.

This statement should not be taken as a criticism of the West. In fact, one can venture to say that Western governments are to be congratulated

for doing what any democratic government is expected to do, namely, defend the interests of electors and of the nation. On the other hand, one can – should – criticise Arab rulers whose decisions have not only served foreign interests but have also been detrimental to the national interests. When some of those rulers were overthrown, the rebels had hopes that the new leaders would change this approach to foreign policy. Contrariwise, Western governments would want a continuation of the status quo that had served their national interests for decades, and would most probably consider any attempt to change that status quo as a serious threat to national security. Therefore, one would not be surprised if those governments should wish to see in power new regimes that would not create complications in international relations by introducing radical changes in what have become acceptable inter-state procedures and practices. It is on the basis of this premise that we should examine current and future relations between the Arabs and the West.

## **II – Where do we go from here?**

On January 14th, 2011 Zine el Abidine Ben Ali fled the country. Immediately, the President of the National Assembly took over as acting President (in conformity with the Constitution) and appointed a Prime Minister whom he charged with forming a provisional government to deal with current business and prepare for legislative and presidential elections.

Some of the early decisions taken by the interim government include:

- Abolition of the (1956) Constitution;
- Proclamation of a general amnesty and liberation of all political prisoners;
- Reinstitution of civil liberties, including freedom of speech, of assembly and of the press;
- Authorisation to form political parties (under certain conditions) and other types of associations.

The impact that these measures and other subsequent ones have had on the political, economic and social situation of the country continues



to be felt to this day. There is no doubt that these measures were at the core of the demands of the people who overthrew the dictatorship. However, it is a well known fact that a good medicine can have negative effects if administered in excessive doses. This is, in effect, the situation in which the country found itself. Having lived under authoritarian rule for over fifty years, people wanted to exercise rights which they had never enjoyed. However, they may not have realised that democracy does not mean anarchy, and that the right to free expression implies necessarily a duty to listen to others expressing themselves. At any rate, the measures taken towards establishing democracy have had two consequences that are sufficiently important to deserve special attention: the emergence of self-proclaimed leaders and defenders of the Revolution, and the unreasonable and counter-productive proliferation of political parties.

### **Opportunism writ large**

Bouazizi's sacrifice was not premeditated, and the ensuing marches were spontaneous and under no visible leadership. The uprising in Sidi Bouzid was not reported in the official media for several days; news about it spread only through the Internet, and as soon as people learned the news, they took to the streets without the prompting of any person or organisation. Yet, when Ben Ali fled the country, several individuals and organisations claimed responsibility for that event.

Political prisoners were freed. Most of them were members of the Islamist movement known as Nahdha, since other political activists had managed to leave the country to escape arrest, or else were co-opted by the regime as a façade opposition. Those who were forced into exile returned home and were received as heroes. Of course, they all paid tribute to Bouazizi and other martyrs of the revolution and swore to do their utmost to ensure the success of the revolution.

But as time went by, the attitude and the discourse of some of these opposition leaders started to change subtly – not to say surreptitiously. It appears as if those whose very presence as political leaders on the liberated scene of Tunisia would not have been possible without the

Revolution, wanted to suggest that the Revolution would not have taken place if it had not been for them. This suggestion became particularly strong during the campaign for the election of the Constituent Assembly (I shall return to that election shortly).

In any case, the contest that was taking shape purported to identify those who are genuine and legitimate defenders and protectors of the revolution, those who are mere opportunists who want to use the revolution to serve their narrow private interests, and those who are outright counterrevolutionaries who seek to resuscitate the Ben Ali regime. Needless to say, those claims and counterclaims, given their political character, did not have to be based on evidence, so that one is tempted to take them as humorous entertainment rather than submit them so serious analysis if it were not for the grave consequences that they could have on the targeted individuals.

### **Let a hundred parties blossom**

Freedom of association is an essential element of democracy. It was therefore natural that the first provisional government decided quite early to legalise existing opposition parties and to allow the creation of new political parties (provided that they respect the stipulations of the law on associations of May 1988).

Prior to January 14th there were eight ‘opposition’ parties that were officially recognised, six of which being represented in the National Assembly elected in October 2009 (now dissolved). At present, there are more than one hundred parties registered with the Ministry of the Interior. For many commentators, this proliferation is quite natural and had already been observed in many countries in Europe and elsewhere that went through similar transitional periods; in time, most of these parties will wither away for lack of members. In any case, citizens who had just overthrown a dictatorship would reject any limitation to their fundamental freedoms. Finally, a large number of parties can create no harm and can even have many benefits for society. After all, when as notorious a dictator as Mao Zedong comes out in favour of “letting a

hundred flowers blossom and a hundred schools of thought contend,” on the basis that this would be the best “policy for promoting progress in the arts and the sciences and a flourishing socialist culture in our land,”<sup>1</sup> how can any democrat argue otherwise?

There is no doubt that pluralism in general, and a multi-party system in particular, are characteristic features of a democracy. However, theory and practice indicate that a large number of parties may result in instability and may even lead to new forms of tyranny, especially in parliamentary systems. The current situation in Tunisia resulting from the elections of October 2011 illustrates this point.

### **Elections of the National Constituent Assembly**

The decision having been made to abandon the existent constitution, it became necessary to elect an assembly to draft a new one. An independent commission called *Instance Supérieure Indépendante des Elections (ISIE)* was appointed to organise and oversee the entire electoral process, and a date was set for the elections (the initial date of July 24th was changed to October 23th). The decree calling for the election specified that the National Constituent Assembly (NCA) was to have a term of one year from the date of its first session, and that in addition to drafting a new constitution, it would also serve as the nation’s parliament.

From the outset most of the players chose to ignore the rules of the game. Practically all candidates to the NCA conducted a campaign as if they were running for a legislature rather than for a constituent assembly. Instead of presenting their views on the content of the new constitution (branches of government, separation of powers, form of the executive ...), candidates presented programmes for providing employment, raising incomes, improving health services and other similar issues.

This is not to say that these are unimportant issues, but they are not directly relevant to this particular election. Consequently, orienting voters’

attention to side issues could be considered as a form of deception. There were many other instances of irregular or unethical behaviour, such as promising housing, free health care and employment to all citizens, or declaring that not voting for a particular party would be a sinful act, or offering bribes, or refusing to identify sources of financial support. But these are not unusual practices, even in well-established democracies, and their impact on the final outcome was probably minimal.

At any rate, the electoral commission ISIE set the number of seats in the NCA at 217 and validated 1,517 lists (slates) containing 11,686 candidates competing for those seats (voters choose slates, not individual candidates). On election day there were long lines of people who waited for hours to cast their ballot. It was clear that people were eager to participate in the first free election ever to be organised in the country. At some polling stations the affluence of voters was so important that they had to remain open well beyond closing time.

The official results as published by ISIE are summarised in Table 1. Without going into a detailed analysis of those results, one can underline the following points:

- The Islamist party Nahdha obtained the largest number of seats (89 out of 217 or 41 percent) without, however, winning an outright majority. This victory is quite significant: Nahdha slates received nearly as many votes as all other party slates combined (1.5 million vs. 1.6 million), and won almost as many seats as its four main competitors (89 vs. 91). However, the landslide that was expected – and that was possible – did not materialise.

Nahdha started with several advantages over its competitors. First, it enjoyed a wide recognition across the country. For decades it had been a well known activist movement and an important actor on the political scene. Secondly, the movement's leaders, members and supporters have been victims of constant persecution and spent years in jail under difficult physical and psychological conditions. Consequently, they were considered as martyrs who deserve to occupy the leadership positions

**Table 1: National Constituent Assembly Election Results**

PARTIES	VOTES		SEATS	
	Number	% <sup>a</sup>	Number	%
Nahdha*	1 501 320	37.04	<b>89</b>	41.01
Congrès pour la République*	353 041	8.71	<b>29</b>	13.36
Pétition populaire	273 362	6.74	26	11.98
Ettakatol*	284 989	7.03	<b>20</b>	9.22
Parti démocrate progressiste	159 826	3.94	16	7.37
<i>14 other parties that won 1 to 5 seats each</i>	<i>594 042</i>	<i>14.65</i>	<i>29</i>	<i>13.36</i>
<i>Independent lists</i>	<i>62 293</i>	<i>1.54</i>	<i>8</i>	<i>3.69</i>
<i>Lists that won no seats</i>	<i>1 290 293</i>	<i>31.83</i>	<i>0</i>	<i>--</i>
Cast votes	4 308 888	51.98 <sup>b</sup>	217	100.00
Registered voters	8 289 924	--	--	--

\* Governing coalition  
<sup>a</sup>Total exceeds 100 due to rounding  
<sup>b</sup>Voter turnout, i.e. actual voters/registered voters

Source: Instance Supérieure Indépendante des Elections (ISIE)

from which they had been unfairly kept away. Thirdly, the values and principles that they defend (equity, integrity, compassion ...) are shared by most citizens, although presenting them as features of Islam rather than as universal values is questionable. Lastly, Nahdha has been able to mobilise sufficient human and financial resources to establish direct contact with citizens in all corners of the country, and to provide immediate and concrete assistance to all those who needed it, whether it is covering expenses for a wedding ceremony, or a sheep for a religious holiday, or cement for a new room in the house.

Therefore, the surprise was not that Nahdha won so many seats, but rather that it did not win much more. In a sense, this outcome is rather reassuring for the future. The most logical conclusion that one can draw is that Nahdha's support does not go much beyond what it has received, and that at the next election (when and *if* it takes place) it is not likely to get a better score. In fact, it may even

suffer a decline if its performance in office remains as poor as it has been so far, and if the opposition succeeds in revising its strategy.

- The second lesson that can be inferred from the election is that the opposition did not lose the election so much as it refused to accept the victory granted by the electors. What the figures show is that the number of seats obtained by slates other than those affiliated with Nahdha is 128, which is largely sufficient for a direct control of the NCA. So the question is: Why is Nahdha not in the minority where its score should have confined it? The answer is quite evident: The opposition did not go into the game as a team but as a hodgepodge of individual players with different levels of skills, experience and visibility. The result of the confrontation was thus determined in advance.

As voters tried to choose among the multitude of slates in the running, they found themselves confronted with hundreds of programmes, proposals and ideas. Moreover, the platforms presented were so similar that it was almost impossible to distinguish between them or to identify them with a specific party or slate. In fact, when we analyse the declared ideology or manifesto of the various parties, we find that they can be aggregated under four or five major labels: the socialists/social democrats, the liberals/centrists, and the conservatives (including the Islamists). Had the dozens of parties chosen to find common denominators around which they could coalesce, the political landscape and the election outcome might have been quite different.

Recent developments do not indicate whether the non-conservative parties (i.e. parties other than Nahdha and to its left) have drawn the correct lessons from their electoral counter-performance. On the one hand, several initiatives have been taken by parties to merge, although few concrete results have been achieved so far. On the other hand, some of the existing parties are torn by internal dissent and threaten to implode. At present, there is little indication as to which trend will prevail – the centripetal or the centrifugal. Of course, the next elections are still months away but the concerned parties should

realise that a new configuration of the party system needs to be in place well ahead of that event.

- The third lesson to emerge from the NCA election relates to the so-called wasted ballots or votes that were cast but did not translate into seats in the Assembly. Tunisia opted for the electoral method called the closed party list proportional representation, and the method of the largest remainder for allocating seats among winning lists. This approach is said to have the advantage of offering electors the possibility of finding a slate or a party that comes closest to their opinions or views, and providing each slate with an opportunity to have access to the body to be elected. However, this advantage is not likely to materialise when the number of competing lists becomes too large – as was the case in the NCA election.

In any case, electors who were not already committed to Nahdha were faced with three alternatives. They could choose to support one of the ‘historical’ opposition parties (CPR, Ettakatol, PDP); some 800,000 voters did so and those three parties won 65 seats. But a large segment of the electorate became disenchanted with these parties (for a variety of reasons that space does not allow to discuss), and opted for the alternative of looking elsewhere. However, this option presented a certain risk. One would have to make an educated guess that a vote for a preferred list would not be wasted if that list fails to obtain enough votes to win a seat. Nearly 1.3 million voters took that risk – and ended up being disenfranchised! Many of them probably came to regret not having joined the group that chose the third alternative of sitting out the election – a group to which few analysts or politicians paid any attention despite its size (close to 3.9 million citizens).

### **Back to square one?**

The Tunisian revolution is only fourteen months old, and the first democratic election took place barely five months ago. Furthermore, the process that started on December 17th, 2010 is not over yet, and the period that started on November 22nd, 2011 when the newly elected Constituent

Assembly held its first session, is a transitory period that should last one year. Therefore, it may be premature to make any sensible evaluation of what has taken place, much less to make credible projections about future developments. Nevertheless, there are some unmistakable trends that cannot be ignored, and they should push us to be concerned, if not alarmed, about the future of democracy in Tunisia.

A fact that cannot be contested is that Nahdha won a plurality of seats in the Constituent Assembly. But what *can* be contested is how Nahdha interprets and uses this fact. Members of this party claim that voters have given it a mandate to carry out its programme, and democracy requires that it be given an opportunity to do so. This is not correct. Nahdha simply does not have enough votes to act on its own. Furthermore, the only legal and binding mandate of *all* the parties elected to the NCA is the one defined in the decree calling for the election of the Assembly, namely, to write a new constitution as a primary task and to carry out other clearly defined secondary functions.

Another contention that may be disputed concerns the degree of representativeness that Nahdha thinks it has. First, it must be kept in mind that plurality is different from majority. Secondly, a score of 37 percent of the votes may appear important when compared with the scores of other parties, but it becomes less so reported to the entire electorate, including electors who did not vote. Consequently, Nahdha does not represent 37 percent of the people, as it likes to proclaim, but merely 18 percent of the registered voters or 15 percent of the Tunisian population.

In addition to dismissing such arguments as pure sour grapes, Nahdha has been waging a deliberate campaign to denigrate critics and opponents or to divert attention to other issues and artificially created controversies.

Another cause of concern is the behaviour of the other political parties both inside and outside of the NCA. As soon as the election returns were in, Nahdha called on all 'true patriots to join it in undertaking the exalting and nonpartisan task of writing a constitution that meets the expectations of the valorous martyrs of the Revolution.' Two parties (CPR



and Ettakatol) that were considered as liberal accepted the invitation. After days of negotiations an agreement was made whereby the three parties would form a coalition inside the NCA, and CPR would get the Presidency of the Republic, Ettakatol the Chair of the NCA, and Nahdha the Premiership in the provisional government to be issued from the NCA (with some ministries to go to the two partner parties).

This 'deal' angered many of those who voted for CPR and Ettakatol as well as members of the parties' leadership who denounced the 'unnatural' alliance with Nahdha. At the same time, other non-religious parties and various segments of civil society felt that there was a clear and present danger of a return of authoritarianism. Everyone was aware that Tunisia could become another example of countries where democracy came only to kill democracy.

The country is living a period of great instability. After more than fifty years of oppression, all want to air their grievances. Every victim of every form of oppression or injustice wants immediate and full reparation. Every form of pressure is used to ensure the satisfaction of demands. Wild strikes, demonstrations, marches, sabotage, and naked violence have become daily occurrences. The result is that the economy is practically at a standstill. Unemployment is increasing, state coffers are nearly empty, foreign currency reserves at the Central Bank are dwindling at an alarming rate. Investments have stopped.

It is true that all revolutions are followed by periods of instability and even chaos, and there is no reason that Tunisia should be an exception. In addition, many countries (Arab and non-Arab) have expressed their commitment to the democratisation process and pledged moral and financial support to help the country as it goes through this delicate transitional period. But the fact of the matter is that no concrete relief has been felt, nor are there any signs that it is forthcoming.

Tunisia finds itself in the role of Sisyphus: it must keep pushing the rock of democracy up the hill. At the end of the journey, it will have to ensure that the rock does not fall back to the bottom but while on the way,

it cannot stop for too long. Democracy is too weighty to be held at a standstill for too long; it must keep moving towards its final destination or it will go back to its initial stage of dormancy in the valley of autocracy.

A short letter sent by a citizen to a local newspaper provides a fitting description of the current national mood (excerpts translated from French by the author).

---

*Fellow citizens,*

---

*What our country is going through is not a fatality. It is a disease that we must fight. Confronted with the incompetence of politicians in general, and of the opposition parties in particular, civil society and all citizens of goodwill have become the last fence to stop the advance of Islamist fascism...*

*I urge you to denounce plots being carried out against our unity. We must spread our revolution to our brothers who continue to live under the yoke of autocrats...*

*I urge you to remain vigilant. Let us not be naïve; religious parties are taking us – in small but incremental steps – towards a theocracy. I urge you to save the Revolution of 14 January. The motherland is in danger, surrounded by cowards who operate in the dark. We must protect it.*

*Today the world is watching us. Tomorrow History will judge us.*

---

*Slim Belhassen, La Presse, 6 March 2012, p. 8*

---



## (Endnotes)

---

1 Mao Zedong (1957): On the Correct Handling of Contradictions Among the People (February 27, 1957), 1st pocket ed., pp. 49-50