

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

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### **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.

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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

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- 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
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