

South africa's transition to democracy



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There were fundamental changes in the world of politics in 1989 and 1990 with the collapse of “evil empires” that had ruled since the end of the Second World War. The hegemony of the Soviet Union came to an end in Eastern Europe and at the same time the apartheid regime of the Afrikaner National Party in South Africa began a process of democratization. In 1990, Nelson Mandela, leader of the African National Congress (ANC), was released after being imprisoned for 27 years and South Africa’s first non-racial democratic elections were held four years later. The ANC later went on to gain the votes of the majority that led to the formation of an interim government of national unity under Nelson Mandela’s presidency in 1994.

It seemed like a miracle but unlike miracles, political processes are susceptible to analysis. Firstly, this paper aims to describe South Africa’s passage from a racial oligarchy to a multi racial democracy. This segment provides a brief narrative regarding the historical context of African democratization.

Secondly, the paper will analyze the various political factors involved in the democratization process and how they fit into the theoretical framework of Huntington’s typology of democratic transition. This section will also focus on the prevalent conditions within South Africa in order to determine what triggered the transition process. Through this, the paper will seek to answer the question of how and why democracy emerged.

Finally, the paper will analyze the consolidation process of South Africa by looking at the prevalent state of her democracy. In order to accurately ascertain the level of democracy and hence, gauge whether South Africa has

undergone a consolidation process, various aspects of the democracy have been described.

South Africa's Journey to Democracy

Three transitions occurred in South Africa since the mid 1970s: transitions through transformation, after regime breakdown and through replacement respectively.[1]

Transition through Transformation

Transformation as defined by Huntington is a process where the government in the authoritarian regime takes the lead in ending that regime and changing it into a democratic system[2]. “ Backward legitimacy” is defined as attempts of democratizing governments to legitimize a preexisting authoritarian order by insisting that the latter give birth to a new order.[3]

In South Africa, the existing government insisted in procedural continuity and at the same time promoted backward legitimacy. Both P. W. Botha and Gorbachev introduced new rules and laws that granted more rights and freedom to the Blacks. They included legalizing black trade unions, permitting blacks to acquire freehold title, providing for electing Black township councils and creating houses of parliament for the colored and Asians but not for the Blacks[4]. However, these new rules and laws were not meant to fundamentally change the political system in the country but mainly to bolster the existing political system so as to make it more acceptable to all societies. Botha's reformed government attempted to neutralize standpatter opposition by weakening and reassuring them.[5]

Transition after Regime Breakdown

The ANC in exile held the assumption that the breakdown of the apartheid regime would eventually lead to the black rule. They were wrong. According to the ideology that the ANC held, South Africa was representing “ colonialism of a special type”. Therefore, they felt that the ending of oppression would come in the form of decolonization. Despite a series of talks between the De Klerk government and the ANC, the latter continued to contend that negotiations and revolutionary transformations were not incompatible.

There was a comprehensive breakdown of the authoritarian regime in the transitions of Greece, Romania and Argentina due to the disaffection of a part of the military. The military junta did not hold a major social base in the society. The situation in South Africa was different because the military remained loyal to the government; there were no defections to the ANC and the government rested on the social base of the white community. The white did not support the ANC. As of 1993, white support still remained below 5 percent[6].

Transition as Transplacement

Huntington defines the transplacement process as a transition negotiated between the reformers within the government and the moderates of the opposition. In such a process, there is a balance of power between the opposition and the government. Dominant groups on both sides realize that they are equally incapable of determining the nature of the future political system alone and hence must co-operate with each other to achieve smooth

transfer of power. In the transition process within South Africa, this can be seen in the various negotiations that took place within the government and the ANC between 1980 and 1994.

Most of the negotiations in the first 3 years after the legalization of the ANC were focused on the cessation of the armed struggle, neutrality of the security forces and controlling of the escalating violence in the townships. For example, in a negotiation between the ANC and the government, it was agreed that white and other minorities had to articulate their values and interest through an alliance or a party. The ANC and other parties also entered constitutional negotiations in 1991 and finally accepted the principle of a government national unity. The ANC accepted constitutional continuity, proportional representation and the idea that a future constituent assembly would not have complete freedom to draw up a constitution but rather adhere to broad principles negotiated beforehand.

There were 3 stages in the negotiating phase of transition to liberal democracy in South Africa.[7]In the first stage, both the government and the ANC were forced to the negotiating table by economic and international factors, which will be discussed in-depth later. However, both sides were reluctant to fully accept the need to compromise on the means of negotiation, whether to choose a multi-party conference or constituent assembly, or the model of democracy to be pursued. The NP believed that negotiations could control the pace and limit the scope of democratization because the balance of power was still on its side. The ANC, on the other hand, was keen on ending the white rule by relinquishing the power that the government had without making concessions in return.

The state of the economy deteriorated and the level of violence within the country escalated, especially among the blacks. The lack of legitimacy of the police force and the easy availability of firearms resulted in high level of criminal violence within the country. Protagonists on all sides manipulated the force both legally and illegally so as to impede or influence the outcome of negotiations[8]. Discussions on the terms for negotiation were broken off because ANC felt that de Klerk had failed to control anti-ANC violence. It was necessary to reduce the level of violence in the country for talks to begin again. This was done by including other interest groups, particularly the Inkatha Freedom Party that was responsible for most of the attacks, in the negotiation process.

The second stage of negotiations, the Convention for a Democratic South Africa (CODESA) showed how far South Africa was from the ideal of a transition pact by élites. The ANC withdrew from the negotiations due to the influence of the institutions of apartheid, causing the CODESA to collapse in mid 1992. Both the NP and the Inkatha wanted substantial agreement over a constitution before a constituent assembly was elected and a protracted transition of at least ten years. The ANC, however, wanted a constituent assembly and freedom to write the constitution. It was fearful of being locked in the interim government for indefinite duration where their decisions to improve the country would be hindered to a large extent.

In the final stage of negotiations, the Multi-Party Negotiating Forum appeared to conform more closely to the idea of a pact between the old and the new elites. There was a lack of progress by negotiators and the ANC adopted a policy of rolling mass action, which pushed the leadership into a

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more military stance. The level of violence in the country escalated and the state of the economy worsened. As a result of the incident, the NP's support among all prospective voters in the republic fell from 25 percent in July 1992 to 14 percent in April 1993[9]. The ANC made gains by forcing the relegation of Inkatha to the position of a minor player. Both the ANC and the NP were convinced that it was necessary to reach a bilateral agreement due to the internal conditions of the country. This agreement could be used as a framework to constrain the disruptive potential of the Inkatha Freedom Party.

On 5 March 1993, a new Multi-Party Negotiating Forum began its deliberation. There was a power-sharing system in which all parties receiving more than 5 percent of the votes would be given seats in cabinet in proportion to their strength and there was a substantial devolution of power to the provinces. Also, it was decided that elections would be held for a constituent assembly, which would also serve as an interim government for five years. All parties were to play a role in the drafting of the constitution and the bill of rights that formulated the general constitutional principles. The government was to remain the highest authority between the adoption of the constitution and the holding of elections but they had to consult closely with an all-party authority.[10]The ANC were willing to promote black advancement via affirmative action and restitution of losses sustained under the apartheid at the cost of reducing the notion of nationalization.

South Africa's transition from an authoritarian rule to a liberal democracy was finally consummated in the April 1994 elections. The elections allowed the participation of all South Africans, regardless of background, to

participate in the democratic process of choosing their own rulers. There were many challenges that hindered the democratic process in the country- voting had to be extended for several days in order to satisfy voter demand and the reliability of the election results were highly skeptical. Nevertheless, the independent Electoral Commission declared the contest substantially free and fair and an outcome that all parties came to accept and celebrate.

South Africa's Transition: An Analysis

Having described the events that led to South Africa's transition, it is now important to analyze these events in the context of political science discourse. This segment of the paper now turns to analyze some of the important conditions that led to the transition in South Africa at that time.

Causes of the South African Transition

International Influences

Withdrawal of Superpower support from the African government

South Africa needed the support of the West but the latter was only prepared to give if internal concession allowed the economy to stabilize. The collapse of Soviet Union and the end of the Cold War removed South Africa's bargaining power as a surrogate for the USA in the fight against communism in South Africa and the USSR financial support for the supply of arms to the ANC. This led to the NP and the ANC coming to the negotiating table.

Introduction of Political Conditions for Western Development Assistance

Due to the reasons stated above, the economy kept shrinking. Hence, the government was forced to seek political accommodation with the West. By the end of the 1980, the collapse of communism in the Soviet Union and Eastern Europe deprived the ANC of its main source of political, economic and military support[11]. There was increasing pressure to negotiate the limitations of the strategies of armed struggle and mass insurrection and the success of town level negotiations within the country itself due to pressure by Soviet Union and neighboring African states.

Diffusion of mass pro-democracy protests

The Second World War led to the development of new classes due to changes in the economic structure of the country. There was strong international emphasis on human rights and freedom. The Western governments indicated that political reform was a necessary condition for further assistance rendered to South Africa. Western governments gave due importance to democracies and encouraged countries to move towards greater pluralism, accountability, respect for human rights and the rule of law[12].

Economic conditions

Perhaps some of the more important factors leading to democratization emerged as foreign sanctions played an integral role in influencing the economic pressures. South Africa was not able to provide a safe environment for local businesses to invest in and for the country to enjoy economic growth despite having enough investment capital. The gross domestic product (GDP) of South Africa declined from 5.7 percent from 1960 to 1.5

percent in 1980[13]. At the same time, South Africa was experiencing a budget deficit in the balance of payment as the government consumer spending rose sharply from 15 percent to 21 percent in 1991 so as to increase the employment level in the country.

Private investment and the employment rate among the Blacks fell. The number of new jobs created decreased substantially from 448000 in the 1960s to 28000 in the 1980s[14]. This resulted in a wave of strikes across the country as existing black unions strengthened and encouraged the formation of others who wanted to end the apartheid in the 1980s. The government had to increasingly borrow money from other countries to cope with the administrative demands of the fast growing Black population and to mollify the white population who worked for the public sector causing the country to experience drastic budget deficits.

The disinvestment sanction played a role in ensuring that no apartheid government could roll back sanctions in the industrialized world as state in the U. S. Congress adoption in 1986 of the Comprehensive Anti-Apartheid Act. But countries refused to provide sanctions to South Africa unless she democratized. International pressure was brought on both the NP and the ANC and a UN mission headed by former US Secretary of State Cyrus Vance, was dispatched to South Africa to make it clear that the economic position of the country will not improve unless an agreement has been reached[15].

Combined, these factors meant that that there were few options for the parties involved other than to engage in the final transplacement that took place.

Has democracy in South Africa been consolidated?

Democratic consolidation goes beyond the mere survival of democratic institutions; it requires that participants hold themselves accountable to the rules of democracy, eschewing patronage and corruption[16]. This segment will now turn to assessing the quality of democracy in South Africa presently by utilizing Diamond's checklist of democratic quality to correctly conclude if democratic consolidation is possible in the future. The higher the quality of democracy, the more stable the democratic institutions and the likelier consolidation will take place[17].

"Quality democracy" is defined as one which satisfies citizen expectations regarding governance (quality of results); allows citizens, associations, and communities to enjoy extensive liberty and political equality (quality of content); and provide a context in which the whole citizenry can judge the government's performance through mechanisms such as elections, while governmental institutions and officials hold one another legally and constitutionally accountable as well (procedural quality)[18]. The state of democracy in South Africa will be assessed based on the following variables:

Accountability

Accountability is defined by the obligations of elected political leaders to answer for their political decisions when asked by voters and constitutional bodies. Horizontal accountability goes between different branches of the government while vertical accountability goes from leaders to citizens. Vertical accountability is the obligation of elected political leaders to answer

for their political decisions when asked by voters or constitutional bodies[19].

In this aspect, South Africa seems to score rather low despite constitutional bodies monitoring each other's actions and citizens being able to exercise their rights to remove leaders from powers through elections. South Africa was ranked 55 out of 180 countries surveyed in Transparency International's 2009 Corruption Perception Index. For example, 920 government officials were charged with corruption linked with housing fraud in November 2009 by the Human Settlement Department[20]. There have also been corruption charges against the current president Jacob Zuma.

Competition

In a democracy, there must be free, regular and fair elections held. An indicator of " quality democracy" is the additional attribute of competitiveness: the ease at which incumbents can be defeated and the equality of different political parties in access to mass media and campaign funding[21].

Since 1994, there have only been 4 elections held in South Africa. The ruling party, ANC, has dominated electoral politics and has been winning supermajorities in every democratic election. However, parties such as the Congress of People (COPE), the Inkatha Freedom Party (IFP) and the Democratic Alliance (DA) are increasingly gaining support from traditional voters. The electoral process is generally fair but the state-owned South African Broadcasting Corporation has been accused of being pro-ANC[22].

Equality

Legal and political equality is essential in a democracy. Active prohibitions against unfairness must check all efforts to discriminate invidiously on the basis of gender, race, ethnicity, religion, political orientation, or other extraneous conditions[23].

All South Africans enjoy legal equality and political rights under the constitution. However racial imbalance still persists in workplace and majority of the country's business assets are still white owned.

Equal rights for women are guaranteed by the constitution and promoted by the Commission on Gender Equality. Despite a robust legal framework, South Africa still has one of the world's highest rates on sexual abuse[24]. Wage discrimination prevails in the workplace and women are not well represented in the top management positions. As of 2010, women hold 45 percent of seats in the National Assembly and lead 5 out of 9 provincial governments. Also, the premier of Western Cape Province and the main leader of the DA party is lead by Helen Zille[25].

Freedom

There are basically 3 types of rights: political, civil and social[26].

In South Africa, in addition to the political rights already mentioned, the constitution caters for the freedom of religion, academic freedom, freedom of association and peaceful assembly, the press, speech and expression. The Freedom House rated South Africa as " free" with a political right and civil liberties score of 2. However, according to Amnesty International, problems

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have emerged with allegations of police torture and excessive force during arrest, interrogation and detention[27].

Participation

Democratic Quality is regarded highly when there is extensive participation in voting, political parties, and the civil society and in the discussion and monitoring of public officials and policy.

All rights necessary for political participation including those deemed necessary by Dahl have been enshrined in the constitution of South Africa. In terms of the civil society, more than 6000 groups have been formed in South Africa, many of them mostly non-governmental organizations. Voter participation has increased to 77% in the 2009 elections up from 75% in 2004[28] showing that there is relatively high participation in politics.

Rule of Law

Everyone is equal before the law, which is fairly and consistently applied to all by an independent judiciary. The laws need to be clear, known to all, universal, stable and no retroactive. Also, laws are democratic when the legal system defends civil and political rights and procedures as well as reinforces the authority of other agencies of horizontal accountability that ensure the legality and propriety of official actions[29].

The system of justice in South Africa generally conforms to all of the above requirements concerning the rule of law. Judicial independence is guaranteed by the constitution and the courts operate with substantial autonomy. In South Africa, there are barriers to the assessment of justice system, poor

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court management and the lack of efficiency, thus affecting the delivery of justice. Also, there is a question of representation of all sectors of the society. Many people feel that the justice system within the country still reflects South African colonial and apartheid legacy. Tension will exist between the judicial and the executive and legislative branches in South Africa, as a result of the problems created by legacies of apartheid.

Responsiveness

Responsiveness is partly related to the aspect of accountability. A responsive democratic government is defined as one that has been induced " to make and implement policies that the citizens want"[30].

In South Africa, the infancy of democratic institutions seems to have led to the government being less than optimally responsive. The people were especially unhappy with council performance at integrating citizens into the agenda-setting and decision- making processes of local self-government. Only about one third feels that these leaders listen regularly to what their constituents have to say. The others either listen occasionally or don't bother at all. However, local councilors are seen as more responsive than leaders elected to national political office[31].

Conclusion

There are many areas within the South African government that still lack reform. Further consolidation is required for this new fledgling democracy is necessary. Threats to consolidation and room for improvement of the quality of democracy still remain. Nonetheless, democracy seems to be commonly

accepted by the Whites and Blacks in South Africa after democratization indicating perhaps that democratic institutions are here to stay and democratic consolidation is possible in the future years.