

Chapter 14

Democracy and Governance in Transition

Yvonne Muthien, Meshack Khosa and Bernard Magubane

Introduction

The first term of ANC-led government witnessed dramatic changes in the transition from apartheid to post-apartheid society. This transition, which brought back the country from the brink of civil war through mature and courageous leadership, provides an insightful case study of political transformation. The end of the first year of office (June 2000) of the second democratically elected government provides a fine opportunity to assess the state of democratic consolidation and democratic governance in South Africa as well as examine the subtle shifts between the Mandela and Mbeki reigns.

Institutionalisation of Democracy

Political exclusion, social discrimination and lack of respect for human dignity and individual civil liberties, all based on racial prejudice, characterised the authoritarian institutional and political culture of apartheid society. The sustainability of democracy in the wake of such a culture depends on the ability and willingness of citizens to “trust” democracy and its institutions and political leaders to adopt democratic behaviour, a process often referred to as “habituation” to democracy. What is South Africa’s status in respect of such habituation?

The results of the March 1999 Democracy and Governance Survey of the Human Sciences Research Council (HSRC) indicate that 74% of the respondents supported democracy, while only 7% supported authoritarianism. The respondents were also largely positive about the use of institutional means to express dissatisfaction. In fact, 48% indicated that they would vote differently if they were dissatisfied with their current situation

and 28% indicated that they would petition the relevant authorities, while 10% indicated that they would resort to violent means (Muthien, 1999a). (Elsewhere in this publication Khosa (Chapter 10) provides evidence of democratic consolidation and the increasing legitimacy of governance in the eyes of the public.)

International Comparison

In a comparative study of support for democracy in middle-income countries with similar political transitions, especially since the 1980s, South Africa ranked the third highest with 74% support for democracy (Muthien, 1999a). Only Uruguay rated significantly higher with 86% support for democracy. Brazil, with a similar socio-economic profile as South Africa, showed 50% support for democracy, while Poland, a more recently established democracy, showed a low 31% support in 1992 (Muthien, 1999a).

Expectations of Economic Democracy

The degree to which democratic states improve the material well being of their citizens plays a key role in the consolidation of democracy. Hence the main challenge for the new South African government is to substantially improve the material well being of the impoverished majority. The results of surveys of public expectations of economic prospects in South Africa reveal interesting patterns. Public optimism by income group indicates that the richest 20% are pessimistic, while the middle and poor income groups are optimistic. Although the poorest and second poorest groups fall below the poverty line, they nevertheless remain optimistic. The second poorest group shows the highest level of optimism (43%). This group is most likely to be the beneficiaries of improved service delivery through the Reconstruction and Development Programme (Khosa, 2000).

The continued inequality and material deprivation in South Africa prompt us to revisit current debates on state-civil society relations, in particular in relation to debates on economic democracy. These debates seem to highlight that development in highly unequal societies demands a democratic state that is strong and extended, and committed to a clear

developmental trajectory, a notion which rests somewhat uncomfortably with the values of liberal democracy (Glassman & Samatar, 1999; White, 1995).

Race and Democracy

South Africa has emerged from the extremities of a history in which access to material wealth, basic opportunities and services, and degrees of human dignity were defined by one's racial classification. The legacy of this history continues to be reflected in public attitudes to key national issues. According to various surveys, whites are much less satisfied with government performance than Africans. Trust in government reveals similar racial divisions. Whites are less inclined to trust government, whereas government enjoys the trust of 60% of Africans. Khosa (Chapter 10) elsewhere in this book provided a comprehensive assessment of changing perceptions within the context of democratic consolidation in South Africa.

The support bases of several political parties also reveal historical racial patterns. For instance, African National Congress support is overwhelmingly black, while that of the Democratic Party is largely white. However, some interesting shifts have occurred since 1994. In the case of the New National Party, whose support base was largely white and Afrikaner before 1994, coloured support eclipsed white support in the 1994 election, and Indian support eclipsed coloured support during the 1999 election. In the 1999 election coloured support was roughly equally divided between the African National Congress and the New National Party. Thus the traditional racial support bases of political parties have begun to shift (see Chapter 12 in this book by Stephen Rule).

The social identity and social movement studies conducted by the HSRC reveal that class factors or socio-economic status is an increasingly important determinant of satisfaction with living standards, employment, housing, citizen safety, health care delivery and government performance. On a composite score of satisfaction levels, the trends indicate that as living standards increase, levels of dissatisfaction decline, irrespective of race.

According to Habermas (in Benhabib, 1996) democracy requires the co-ordination of divergent interests in society and the creation of solidarity among citizens. Although all societies are complex, multiple and heterogeneous by nature, historical patterns of polarisation around race, language, etc. can solidify group identities within a particular society. Democratic politics thus need to recognise and accommodate difference. *Respect for diversity and racial tolerance should be a test of the maturity of a democracy.*

However, democratic politics in South Africa also need to attend to continued poverty among the majority of the population, as this constitutes the single greatest threat to South Africa's democracy. This realisation calls for the deracialisation of our society in material terms, a change in the traditional patterns of racial identification and the creation of a society where merit, human capacity and equality of opportunity, rather than skin colour, determine the dignity of the individual. *For as long as race coincides with inequality, democracy cannot flourish.*

Gender and Democracy

A vast body of feminist literature (Benhabib, 1996; Shanley & Narayan, 1997; Yuval-Davis, 1997) has examined the naturalised (socially constructed) roles of women in the biological, cultural and civil sphere. Based on the naturalisation of their roles, they often have lesser access than men do to power, material well being, resources and public institutions. Gender equality is therefore a central challenge in creating a mature democracy.

Because women constituted the majority of the registered voting population in South Africa, their votes were clearly sought after in the 1999 election. But did political parties know what women wanted? According to the results of the Democracy and Governance opinion poll, women's priorities in order of preference were equal decision making, family well being, education, women's rights, job opportunities and personal safety. This prioritisation clearly has implications for policy institutions and government decision making.

The new democracy has made great strides in levelling the playing field: women have achieved formal constitutional rights to gender equality

and gender advocacy institutions have been established, such as the Commission for Gender Equality, the Office for the Status of Women in the President's Office and the parliamentary Joint Monitoring Committee on Improvement of Quality of Life and Status of Women. Furthermore, since 1994 the African National Congress has pursued a quota policy of 30% representation of women in Parliament, although opposition parties have not followed suit. However, much remains to be done in respect of gender equality in the sphere of state-market-family relations, access to employment and service/benefit opportunities (Muthien, 1999b).

Elections and Democracy

The success of the 1999 election augurs well for democratic consolidation and electoral administration (Muthien, 1999b). There were, however, a number of potential threats to the second democratic election. These included racial politicking, reproducing racial stereotypes, fanning racial hatred, fear and intolerance, especially through subliminal advertising; reproducing the deep divisions of the past through violence and intimidation; and irregularities at the ballot box. The indicators that augured well for the election included the existence of a robust civil society; high levels of participation in the electoral process through high levels of voter registration and voter turnout; greater realism about the pace of delivery and change; and confidence in the electoral machinery to deliver free and fair elections.

Pulling off the first democratic election in 1994, given the scale of the operations, the tight time frames and lack of experience, remains an extraordinary feat of human resolve, dedication and bold spirit borne out of the passion to deliver freedom, justice and democracy to the entire nation. The second democratic election took place after five years of momentous changes, bold experimentation in transformation and sincere reconciliation through dealing with the atrocities of the past, all in the hope of accelerating the restoration of human dignity, respect for human rights and tolerance of diversity.

Creating a Culture of Democratic Governance

The South African constitutions of 1993 and 1996 provided for a complex set of mechanisms to institute a new state form and public institutions that portray democratic values and structures. Most of these institutions have overlapping mandates and some are underfunded. The constitutional drafters had no idea of the cost of establishing multiple levels of government, new statutory commissions and other institutions for participatory democracy.

Institutions Buttressing Democracy

The 1996 South African Constitution enshrines an elaborate array of institutions supporting constitutional democracy by serving as a check on political and administrative authority. These include the Public Protector, the Auditor-General, the Public Service Commission, the Human Rights Commission, the Commission for Gender Equality, the Independent Electoral Commission and the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities. Nevertheless, exercising scrutiny and setting limits on government's political power produce major strains. Indeed, the ability of these institutions to set limits on the arbitrary exercise of power is dependent on:

- their location, standing and status within the system of governance,
- the standing of their champion/guardian/protector within government, i.e. minister or president,
- the unqualified support of the legislature in the exercise of their functions,
- their level of resourcing and ability to fulfil their constitutional mandates.

Public Accountability

In a parliamentary democracy, the legislature constitutes the supreme authority as the elected representatives of "the people". The executive derives its authority from the legislature and is accountable to the legislature

for its actions. As the law-making authority, the legislature assumes the role of final arbiter of government policy and has the task of balancing the diverse interests of the broader society. The effectiveness of the legislature to hold government accountable depends on the quality of the elected representatives in terms of professional expertise and direct accountability to constituencies. Both of these conditions have somewhat been compromised in South Africa with the exodus of skilled professionals from Parliament and the party electoral system. The degree of democratic accountability is further compromised by

- the complexity of modern public administration which requires technical expertise that is not always available among the lay representatives in the legislature,
- the volume, complexity and time constraints in enacting legislation, and
- the fact that legislation originates in the executive and is seldom initiated by the legislature, thereby ceding control to the executive in respect of legislation.

Specialised committees and the holding of public hearings and opening proceedings of parliamentary committees to the public, as well as the provision of research support, enhance the capacity of the legislature to scrutinise government accountability. However, the interests of governance have to be balanced with the interests of the public. Hence a robust though small and representative opposition is the best option for public scrutiny.

Public Service Accountability

The issue of public service accountability raises the perennial question: How can the public service, removed from the people through its profession and career-based structure, technocratic approach and command over resources, and hence the innate ability to dispense patronage, be made to function in a manner compatible with democracy? The history of centralised state agencies demonstrates that excessive control of public institutions does not guarantee increased effectiveness. Quite the contrary, excessive control can constrain efficient administration (Laver, 1999;

Philip, 1999). Furthermore, the creation of multiple accountability mechanisms and institutions does not in itself increase accountability.

South Africa's public administration after 1994 has evolved by condensing the following four contradictory models of state administrators: agency specialists and technocrats, civil service mandarins, political appointees and corporate managers.

Undoubtedly, a professional civil service, insulated from political power, serves democracy best. Furthermore, its distance from direct democracy in itself may strengthen accountability and limit political influence. However, the inherent problem of democratising the modern administrative state is vested in reconciling the political imperatives of public accountability with the managerial imperatives of administrative flexibility and responsiveness (Balfour, 1997; Ruscio, 1997).

The provisions of the Access to Information Act, which safeguards whistle-blowing and independent access to public information, bode well for accountability. Other central agencies of democratic accountability are the judiciary, especially the Constitutional Court, independent commissions of inquiry and an independent press. The government's discomfort with press scrutiny has been expressed in various attacks on the press, but it challenges the press in terms of fair and accurate reporting rather than challenging or threatening its right to independent inquiry. Clearly, the most demonstrable commitment to democratic accountability is vested in the subordination of political rule to constitutionality through the operation of the Constitutional Court as the ultimate safeguard and recourse of citizens when they wish to protect their individual civil rights and liberties.

Instituting Good Governance and Development

Good governance and development are based on sound policy. Hence we now take a look at the way in which policy is currently made in South Africa, the impact of the macro-economic policy and the need for the further development of the state.

The New Policy-Making Culture

A significant feature of the new culture of governance in South Africa is the proliferation of public policy-making processes and institutions. Examples of these at the local level include local development forums, local water committees, and community police forums. What these demonstrate is the replacement of top-down decision making with bottom-up decision making. However, the proliferation of consultative forums gave rise to two contradictory consequences for civil society organisations. On the one hand, because consultative bodies and other forums draw members from particular interest groups, some organisations have grown markedly. The Women's National Coalition, for example, consists of 90 organisations and 13 regional coalitions. On the other hand, consultative and policy-making institutions have lost their most competent leaders to the government, which has led to their demobilisation. The South African National Civic Organisation (SANCO), for example, only registered 5 000 members in 1997, compared to its vast membership before 1990.

Macro-Economic Policy Making

The poor record of the Growth, Employment and Redistribution (GEAR) policy to deliver on economic growth, job creation and social upliftment has led to conflict between the majority party (ANC) and its alliance partners, the Congress of South African Trade Unions (COSATU) and the South African Communist Party (SACP). GEAR implies a commitment to market-orientated economic reforms in line with what has been termed the "Washington consensus", that is, economic measures demanded by the World Bank and the International Monetary Fund. These reforms include fiscal discipline and a reduction of the budget deficit; the reallocation of state expenditure to health, education and infrastructure; tax base broadening and a reduction in marginal tax rates; the abolition of the dual exchange rate and the phasing out of exchange controls; the securement of property rights; increased deregulation, trade liberalisation and privatisation; the removal of barriers to direct foreign investment; and financial liberalisation. In short, it appears that the government has restricted its role to setting the framework

for a free market economy. By the end of 1998 the ANC was forced to concede that GEAR failed to live up to its promise and the RDP was re-centred as the government's primary development agenda. This raises critical questions around the South African state's mandate to foster development. To what extent has it had an impact upon the level and distribution of resources within civil society? Although the answer is inconclusive, the outcome does not look good. The ANC government seems to have subjected itself to a global, neo-liberal orthodoxy that constrains its transformative agenda. The resultant weakened redistributive economic policy is likely to bear fruit at a slow rate if at all.

The Need for a Developmental State

The deterministic literature on path dependency (Putnam, 1993) has focused amongst others on impediments to development. These include low levels of economic growth, high levels of poverty and inequality, poor infrastructure and inequality in the global system of development. This focus has foreclosed careful scrutiny of the potential for a mutually beneficial state-civil society relationship and an activist role for the state in development. This potential has however been explored in recent debates on the developmental state, which debates highlight civil society as agents of delivery and development in public-private sector partnerships. Effective public-private sector partnerships and robust institutions of civil society are shown to be able to contribute to good governance and economic growth.

The social constructionist literature has established a relation between conditions of rapid economic growth and industrialisation on the one hand, and sound state-civil society relations on the other hand. This relation creates enabling conditions for private and community capital accumulation (see Evans, 1995; Samatar, 1999). Unlike the earlier state interventionist theories, which posited a strong, highly interventionist role for the state in the economy, the social constructionist view has centred the role of the state, but asks not only about the nature of the state but also about class, development and the societal context, as well as the fabric of civic culture and state-civil society relations.

In successful public-private co-operative ventures, state and community leaders forge equitable relations in infrastructure development and other production ventures, which relations transcend ordinary relations of subsidisation or clientelism. Thus a synergy as well as a division of labour are forged between state and civil society agents around common projects and common goals, with equal shares of responsibility and gain apportioned to the partners (see Tendler, 1997).

Although the South African state is committed to delivering development to the majority of the population, it still lacks a coherent implementable development strategy. The transitional government (1994-1999) was overwhelmed by the task of transforming state and society; hence the defining ethos of the Mandela reign was reconciliation and transformation. The Mbeki reign has introduced the ethos of the African Renaissance. Both governments have been weak on mobilising civil society behind a coherent, integrated development programme despite the rhetoric slogans. The Reconstruction and Development Programme has been left to line-function government agencies to implement. The clustering of cabinet portfolios into larger co-ordinated portfolios (committees) goes some way towards forging greater co-operation between line-function ministries in terms of service delivery and policy making. Although this has revived the prospects for efficient service delivery, it is still too early to make a judgement.

Conclusion

There is no short cut to the sustainment of democratisation (Liddle, 1999; Törnquist, 2000). Nevertheless, South Africa has made significant strides towards the establishment and consolidation of democracy. Within the space of five years the political landscape changed for the better amid the creation of new institutions to promote and protect democracy. However, the new democratic state faces a number of other challenges:

- The need to institutionalise transformation and reform. A plethora of new policy statements in the form of White Papers and Green Papers have been issued, but in many instances the institutional infrastructure

needs to be aligned with the new policy objectives. Budgetary measures also need to be introduced to finance the new programmes.

- Economic empowerment has been limited to a few beneficiaries of the transition, the so-called “transitory bourgeoisie”. Hence the base of economic empowerment needs to be widened.
- Reconciliation without social justice, which includes redress and improving the material well being of the majority, holds great potential for instability. Whilst the country is well endowed in terms of democratic institutions and infrastructure, the lack of delivery on economic democracy could well jeopardise the newly founded democracy.

The sustainability of democracy and the rule of law requires that political authority and public officials accept limits to their authority, as well as subject themselves to public scrutiny, either through incentive or sanction (Weingast, 1997). Effective public scrutiny of public figures requires an informed citizenry who does not accept habitual corruption. This in turn requires a commitment to the democratic value of clean government. If the political economy of corruption becomes embedded in the social fabric of communities or localities and particular citizens become the beneficiaries of corruption, the sustainability of democracy is fundamentally compromised. Hence public education must forge a commitment to democracy and clean government as ends in themselves.

The greatest challenge for democracy in South Africa in the 21st century remains the sharp divide between rich and poor. Our democracy can only survive if this divide is minimised, and the state implements ameliorative policies to empower those who are still disadvantaged. Otherwise the growing anger of this sector of the population might very well erupt into social conflict.

References

- Balfour, D. (1997), “Reforming the Public Service: The Search for a New Tradition”, *Public Administration Review*, vol. 57, no. 5, Sept./Oct.

- Benhabib, S. (1996), *Democracy and Difference: Contesting the Boundaries of the Political*, Princeton, Princeton University Press.
- Brandy, H.E. (1999), "Contributions of Survey Research to Political Science", *Political Science and Politics*, vol. XXXIII, no. 1, pp. 47-57.
- Carroll, B.W. & Carroll, T. (1999), "The Consolidation of Democracy in Mauritius", *Democratisation*, vol. 6, pp. 179-197.
- Evans, P. (1995), *Embedded Autonomy: States & Industrial Transformation*, Princeton, Princeton University Press.
- Glassman, J. & Samatar, A. (1999), "Development Geography and the Third World State", *Progress in Human Geography*, vol. 21, no. 2.
- Habermas, J. (1996), in Benhabib, S. *Democracy and Difference: Contesting the Boundaries of the Political*, Princeton, Princeton University Press.
- Human Sciences Research Council (HSRC) (1999), *Public Opinion on National Priority Issues*, Pretoria, HSRC.
- Khosa, M. (ed.) (2000), *Empowerment through Service Delivery*, Pretoria, Human Sciences Research Council.
- Laver, M. (1999), "Government Formation and Public Policy", *Political Science and Politics*, vol. XXXIII, no. 1, pp. 21-23.
- Liddle, R.W. (1999), "Indonesia's Democratic Opening", *Government and Opposition*, vol. 34, no.1, pp. 95-116.
- McHenry, D.R. Jr (2000), "Quantitative Measures of Democracy in Africa: An Assessment", *Democratisation*, vol. 7, no. 2, pp. 168-185.
- Muthien, Y. (ed.) (1999a), *Democracy South Africa: Evaluating the 1999 Election*, Pretoria, Human Sciences Research Council.
- Muthien, Y. (1999b), "Addressing Race and Gender Inequalities in Public Administration", in Wessels, J. & Pauw, J. *Reflective Public Administration*, Cape Town, Oxford University Press.
- Philip, G. (1999), "The Dilemmas of Good Governance: A Latin America n Perspective", *Government and Opposition*, vol. 34, no. 2, pp. 227-242.
- Putnam, R. (1993), *Making Democracy: Civic Traditions in Modern Italy*, Princeton, Princeton University Press.
- Ruscio, K. (1997), "Trust in the Administrative State", *Public Administration Review*, vol. 57, no. 5, Sept./Oct.
- Samatar, A. (1999), *An African Miracle: State and Class Leadership and Colonial legacy in Botswana Development*, Portsmouth, Heinemann.
- Shanley, M. & Narayan, U. (1997), *Restructuring Political Theory: Feminist Perspectives*, Oxford, Polity Press.
- Tendler, J. (1997), *Good Government in the Tropics*, Baltimore, John Hopkins University Press.
- Törnquist, O. (2000), "Dynamics of Indonesian Democratisation", *Third World Quarterly*, vol. 21, no. 3, pp. 383-428.

- Weingast, B. (1997), "The Political Foundations of Democracy and the Rule of Law", *American Political Science Review*, vol. 91, no. 2, June.
- White, G. (1995), "Towards a Democratic Development State", *IDS Bulletin*, vol. 26, no. 2.
- Yuval-Davis, N. (1997), *Gender & Nation*, London, Sage.