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## Editorial note

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This edition of **Synopsis** focuses attention on elections in southern Africa and Africa in general. Several African states in the SADC region have either held elections recently or will be holding elections in 2010/2011. The articles cover selected aspects of democratic elections and governance. The first two articles discuss the disregard shown by political leaders for electoral outcomes and their efforts to prolong their stay in power. The second two articles are about the continued electoral hegemony and political dominance of some ruling parties in the face of negative socio-economic conditions in their countries.

Ann Maganga analyses the pernicious political consequences of party floor crossing in Malawi from 2004-2008. She argues that although floor crossing is recognised in the Malawian Constitution (under Section 65) it has resulted in negative political and economic outcomes for the country. In particular, she points to the political consequences of a loophole in the Constitution and the parliamentary procedure governing floor crossing, which precipitated a crisis in 2004 when President Bingu wa Mutharika abandoned his party and founded a new governing party without contesting an election. This incident is significant in that it reflects yet another case of the readiness of political leaders to manipulate constitutional provisions to prolong their stay in power.

Shale's article also discusses the lengths to which political leaders will go to achieve this end. It questions the legitimacy of negotiated power-sharing agreements in African countries, in which the outcomes of democratic elections are usually not considered to be decisive. The paper posits that post-election power-sharing deals devalue democratic elections and therefore legitimise post-election violence as a mechanism to allow political leaders to extend their term of office.

In contrast to this theme of political parties and leaders staying on by manipulation, the two articles that follow examine the continued popularity and hegemony of ruling parties in spite of negative socio-economic and political conditions. For instance, the article by João Pereira discusses the mobilisation of ethnic identities for political ends in Mozambique. Pereira outlines some of the preconditions that may result in ethnic diversity translating into ethnic political divisions, leading, in turn, to conflict and violence. However he concludes that despite the ethnic divisions in that country, and unlike many African countries where ethnic identities are usually mobilised by political leaders, often violently, for political ends, Mozambique is different. Pereira provides reasons why Mozambique differs from other countries in this regard.

In the article by Thabo Rapoo and Fiona White, the authors also argue that in spite of the ruling party experiencing political difficulties in South Africa, the overwhelming majority of voters continue to trust it with the responsibility of running government. The article reflects soberly on the electoral dominance of the ANC in 2009 in spite of widespread discontent over the government's poor track record in the delivery of services to citizens. Rapoo and White examine some of the many explanations for the causes of the so-called service delivery protests in South Africa, and conclude that while many of them are convincing, they fail to explain why many communities, equally affected by poor service delivery, are not resorting to the form of protest actions that the country has seen over the past few years. The authors also provide a perspective on the continued electoral dominance of the ANC despite popular discontent across many communities.

These four articles therefore seek to contribute to two of the most important issues for public debate on the African continent.

## The politics of floor crossing and its consequences in Malawi

*By Ann Maganga, Programme Officer, Centre for Multiparty Democracy, Malawi*

### Introduction

This article describes the politics of cross-party defections and alliances as they unfolded in the Malawi National Assembly from 2004 to 2008. The Malawi Constitution, Section 65, recognises the concept of floor crossing by members of parliament (MPs). However, before members decide to switch party allegiance, they are required to resign and seek a fresh mandate from the electorate. This constitutional provision on parliamentary procedure is deliberately flouted, which results in MPs taking advantage of loopholes in the constitution for personal gains. Although floor-crossing has been common in some African states, including South Africa, its dynamics in Malawi dominated the political discourse in a way that not only paralysed parliament but also created an unstable political landscape that threatened the foundation of the nascent and fragile democratic order. This article also tracks the constitutional and political issues contributing to floor-crossing, and how the response to the phenomenon by opposition legislators might have shaped and contributed to the outcome of the 2009 elections.

### Background to floor crossing

In Malawi, floor-crossing has evolved since the introduction of multiparty democracy in 1994. When the country embraced this new political development it was certain that the National Assembly would no longer be populated by the Malawi Congress Party (MCP), as was the case before. The MCP was still economically powerful at that time and there was concern that the party would flex its economic muscle and embark on a trail of 'buying' members from other parties who were in parliament in order to strengthen its political base. It was against this background that the concept of floor-crossing was included in the Constitution. It was also designed to determine the composition of members elected either



by party sponsorship or independent ticket to the National Assembly to remain in their capacities for the entire duration of the five-year period (Chigawa: 2008).

However, when the United Democratic Front (UDF) won the first multiparty elections in 1994, it took 85 of 177 parliamentary seats. Its main contenders, MCP and Alliance for Democracy (AFORD) won 56 and 36 seats respectively. The UDF fell short of a parliamentary majority by four seats. For the first four months of the new government, the ruling party was in a minority because the MCP and AFORD formed a coalition that proved to be an impediment to the regular conduct of government business, because the Speaker was from AFORD and both deputy speakers were from the MCP, and all seven operative Committees of Parliament had large representations from the opposition who also chaired them. The role of the opposition also resorted to 'walk-outs' and 'boycotts', which frustrated Parliament's smooth functioning (Menhardt et al 2003: 29-30).

The only way the UDF could circumvent the opposition alliance was to entice the AFORD party to form a coalition. The UDF went to the extent of creating the position of second vice president in the cabinet for AFORD president, Chakufwa Chihana, and appointed seven AFORD MPs to ministerial positions in order to cement the newfound relationship. By June 1996, however, Chihana had resigned as second vice president and as Minister of Irrigation and Water Development in the UDF-led government.<sup>1</sup> The seven AFORD ministers decided to remain in the government. AFORD's movement could not be described as 'crossing the floor' because there is no provision in the Malawi Constitution or under Section 65 against party coalitions or alliances. The Constitution is also not clear on opposition MPs accepting ministerial positions in government. Because of these Constitutional gaps, Chakufwa Chihana retained his parliamentary seat until his death in 2006.

In the 1999 elections, the UDF took a few more seats than in 1994<sup>2</sup> and, eager to avoid the 1994 experience, lured opposition MPs to its side. The UDF had 94 seats against 66 from MCP and 29 from AFORD. The balance of the 193 parliamentary seats were taken by independent candidates. By mid-2000, the UDF had increased to 99 seats at the expense of MCP and AFORD. When the president failed to extend his tenure for a third term in 2002, he hand-picked an outsider, Dr Bingu wa Mutharika, and had the party endorse him as its presidential candidate for 2004. This sparked a mass exodus of disillusioned senior and prominent members from the party. These MPs initially declared themselves 'independent' before aligning with other parties or forming their own. The silence of Section 65 on the status of 'independent' members was conveniently used by these defectors.

The most alarming incidence of floor crossing in the National Assembly took place after Mutharika decided to abandon the UDF, the party that sponsored him into power, in February 2005. Mutharika won the 2004 election on a UDF ticket, with only 36 per cent of the vote and the party with only 26 per cent of the vote.<sup>3</sup> According to the Malawi Country Report,<sup>4</sup> Dr Mutharika started his tenure by declaring a policy of "zero tolerance for corruption," in the context of strict economic recovery measures coupled with intensive investigations of politicians and public officers of all ranks. Within eight months, however, three former ministers and five senior UDF party officials were arrested on corruption charges. There were indications that this process would continue and that many more officials would be prosecuted. This caused tension between the UDF and Mutharika in general, and between Muluzi and Mutharika in particular. Mutharika resigned from the party and formed the Democratic Progressive Party (DPP), taking with him almost the entire cabinet.

His resignation from the UDF triggered a chain reaction, in which MPs from the UDF, MCP and independent camps trekked to the newly formed party. Apart from those who were initially elected as independents who, according to the Constitution, did not contravene any law, elected members took advantage of the loophole in the Constitution and declared themselves 'independent' in order to join the new party. Others, comprising the then Deputy Minister of Disabilities, Hon Yunus Mussa, made an application to the High Court for an injunction to stop the Speaker from declaring their seats vacant pending a judicial reviews. Because of this injunction, the Speaker could not invoke Section 65 to declare seats vacant for those deemed to have crossed the floor. According to Section 65 of the Constitution, when the president established his party, he and the members who moved with him did not contravene any law because the DPP was not 'legally' recognised in Parliament. It was only after winning by-elections in 2005, when it secured six seats, that the party became recognised. This was an anomaly which is beyond the scope of this paper. From 2005 to 2008, Malawi was ruled by a government that had not won the 2004 elections.

## Floor crossing in the Malawi Constitution

Floor crossing in Malawi is governed by Section 65 of the Republican Constitution of 1994, which the country embraced after the referendum in 1993. Prior to this Malawi had two Constitutions: the first was the 1964 Independence Constitution, when Malawi attained its independence from British rule, which recognised plural politics because there were a number of parties in and out of the Legislative Assembly. A member would lose his or her seat if he left his original party and joined another party. Likewise his or her seat would fall vacant if he became independent. However this Constitution did not recognise the concept of crossing the floor.

The 1966 Republican Constitution superseded the first one and abolished plural politics altogether, resulting in a one-party system. The composition of the National Assembly was homogeneous, and the concept of floor crossing between 1966 and 1994 in Malawi was non-existent (Chigawa 2008).

After 30 years of autocratic rule under the Malawi Congress Party (MCP) the country witnessed unprecedented political changes between 1992 and 1994, resulting in a referendum in 1993 where Malawians voted for a return to multiparty politics. The outcome of this was the amendment to the 1966 Republican Constitution to make provision for plural politics in Malawi in readiness for general elections in 1994. The 1994 elections were conducted under the new Constitution, Section 65 of which stipulated that the Speaker shall declare vacant the seat of any MP who "joined another party represented in the National Assembly, or has joined any other political party, or association or organisation whose objectives are political in nature." A second provision asserted that MPs retained some independence and were able to vote against their party's line.<sup>6</sup>

This provision is important because it safeguards members against the erosion of the right to freedom of conscience enshrined in Section 33 of the Malawi Constitution. The floor-crossing provision was added by constitutional amendment in 2001 and appears motivated by efforts of the then-ruling UDF party to prevent its members from joining other parties. Although the amendment was successfully challenged in the high court in 2003 by civil society organisations as a violation of members' right to freedom of conscience and association, Parliament failed to revert to the original Section 65 of the Constitution.<sup>7</sup> This is because the Supreme Court of Malawi overruled the high court ruling, observing that ..."





the High Court had no jurisdiction to invalidate any of the provisions of the amended section after the amendment was effected following due parliamentary procedures.”<sup>8</sup>

The implications of this provision are many. First, inter-party movement of elected members within the National Assembly is restricted. If elected members wish to join another party represented in parliament, their seat would be declared vacant so that a fresh mandate would have to be obtained from the electorate.

Secondly, the Constitution is silent on members elected on an 'independent' ticket. These members can change their status in Parliament without losing their seat. The result is that some members who opt to leave the parties that sponsored them into Parliament prefer to declare themselves independent, with the view that they would not be required to seek a fresh mandate from the electorate. This is a serious weakness in the Constitution. It is not known whether this was an oversight on the part of the framers or a deliberate move. However, what is speculated is that the 1994 Constitution was drafted in a hurry to ensure that it was ready to be implemented during the multiparty elections in 1994. Thirdly, in line with Section 33 of the Constitution recognising freedom of conscience, elected members are free to cast votes without fear of losing their seats. Finally, the Speaker of the National Assembly has the prerogative to declare a seat of an MP vacant. For as long as that declaration is not made, the person deemed to have crossed the floor continues to enjoy the privileges which are accorded to all other members in the National Assembly.<sup>9</sup>

### *The recall provision*

When the 1994 Constitution was drafted, it contained a recall provision which was intended to ensure vertical accountability of MPs to their constituencies. Section 12 of the Constitution stipulates that the legal and political authority of the state is derived from the people of Malawi. The representatives of the people are mandated with the task of managing the affairs of the country on behalf of the people, and if the people lose trust and confidence in those mandated to govern them, they had the right to replace them. However, this provision was repealed by Parliament in 1995. MPs argued that it was prone to abuse by those who wanted to remove a particular member from the National Assembly. It was also contended that frequent recalls of members would result in numerous by-elections in the country, which would not be affordable. The repeal of this provision has disempowered the electorate because they are now not able to hold their MPs accountable for their campaign promises or for lack of efficiency in Parliament.

Although a decade has passed since this section was repealed, public demand for its reinstatement has not dwindled, as witnessed during the feedback sessions in the run-up to the 2006/07 Constitutional Review Exercise. In stakeholders' meetings and opinion surveys facilitated by the Malawi Law Commission, the public urged the re-instatement of the recall provision, and added that the provision should be protected with clear guidelines and procedures in order to avoid a repeat of the 1995 scenario (Patel 2008: 24).

### *The Special Law Commission*

In 2006 the Malawi government, in conjunction with the Malawi Law Commission, set up a Special Law Commission on the Review of the Constitution to specifically consider the scope and validity of Section 65. According to Chigawa (2008), among other issues the Commission agreed that Section 65 should apply to independents as well. Furthermore, they were unanimous that independent members of Parliament who joined a political party represented in Parliament should be deemed to have crossed the floor. The wider implications of this recommendation still remain unresolved until the issue of movement of both independents and non-independents outside Parliament is resolved.

The Commission's draft recommendations on the review of the Constitution were submitted to Cabinet in 2007. The momentum of this activity has since stalled and needs to be resuscitated.

## Political consequences of floor crossing between 2005 and 2008

Mutharika's action and the response it generated forced the floor-crossing issue into the spotlight. UDF, the president's former party, joined other opposition parties in agitating for Mutharika's removal through impeachment. Members of Parliament who followed him into the new 'ruling' party' also faced challenges, as they were deemed to have crossed the floor. This situation dominated political discourse and created instability in Parliament that threatened to derail any gains the country might have made since the introduction of multiparty democracy in 1994. Although the president succeeded in luring about 60 opposition and independent MPs to the DPP, he still did not have the necessary majority to comfortably transact government business. His tenure was therefore spent in tense stand-offs with the opposition. As a result of the floor-crossing episode that involved the president and the formation of his new political party, party politics became extremely polarised and adversarial between the new ruling party and a united opposition in Parliament. What follows elaborates briefly on some of the key consequences of the heightened adversarial political landscape in Malawi.

### *The rejection of government bills and nominations*

Although the government introduced bills related to important issues like water and electricity to be deliberated in Parliament, the united MCP/UDF opposition made sure that these initiatives were thwarted. The opposition also rejected government nominations to crucial positions of governance, including the appointment of the Inspector General of Police, the Director of the Anti Corruption Bureau, the Auditor General, and the appointment of Commissioners of the Electoral Commission. All these rejections were meant to frustrate the functioning of government business and bring it to its knees.

### *The rejection of the national budget*

The dispute was not only felt in the halls of Parliament. In the 2005-08 period government had a very difficult time passing the national budget in the face of MCP/UDF opposition. During the 2007 budget session, it took the intervention of civil society and faith-based organisations, which staged a 14-day vigil at Parliament, to persuade the opposition to pass the national budget. Malawi is a very poor country; it relies heavily on international donors, who provide 40 per cent of government spending. Yet Parliament must pass the national budget before donors will release aid funds to government. The stand-off between the government and opposition threatened and delayed the disbursement of donor funds. This economic impasse impacted negatively on the lives of ordinary Malawians who depend solely on government expenditure to provide for their basic needs.

At its core, this political instability was the result of the president's abandoning the UDF, leaving the country run by a party that had never contested or won an election.



## The impact of floor crossing on Malawi's 2009 election results

Malawi held its fourth presidential and parliamentary elections on 19 May 2009. These were hailed as peaceful by both African Union and European Union observer missions. Mutharika won the election with 2.9 million votes, against a challenger who received 1.3 million, and the DPP took 114 of 193 parliamentary seats. Mutharika's chief rival, Bakili Muluzi of the UDF, was quick to congratulate the winning president and even attended the inauguration ceremony. Of 32 independent MPs, 26 have already crossed over to government benches.<sup>10</sup> The question that begs an answer is why Mutharika and the DPP won such a landslide victory. Although several reasons have been advanced, a former MP for one of the leading parties in the country posited that the behaviour of opposition legislators who insisted on discussing Section 65 over the national budget in the last Parliament sessions contributed significantly to the outcome of this year's elections. The electorate were so negatively affected by the parliamentary stand-offs over the budgetary processes that they decided to punish the opposition by voting overwhelmingly for both the president and his party to ensure the smooth transaction of governmental business. The mandate of the 2009 election was to remove bottlenecks in the implementation of socio-economic development programmes in the country. One striking feature of this year's voting pattern is the transcending of narrow regional and ethnic lines, the first time this has been seen since the introduction of multiparty democracy in Malawi.

## Conclusion

Floor crossing in Malawi has evolved since the introduction of multiparty politics in 1994. However, nobody could have imagined the political chaos and instability that ensued in the aftermath of 2005, when the state president abandoned the party that sponsored him to start his own. While several factors contribute to floor-crossing, the Constitution's silence on the applicability of Section 65 to 'independent' members has contributed significantly to the problem. There is a need to close this loophole to ensure that members elected on an independent ticket remain independent for the duration of their tenure in Parliament, a conclusion drawn in the Draft Report of the Special Law Commission on the review of the Malawi Constitution.

On the issue of the recall, the electorate needs to be enlightened on definite grounds upon which a member may be subject to recall. These should include loss of confidence and trust by the constituency. The elected should also be given a platform to be heard before the Electoral Commission recommends to the Speaker to expel them. Guidelines for this process need to be formulated clearly for the understanding of both the elected and the electorate to avoid abuse of the provision.

### Notes

<sup>1</sup> Phiri M and Ross K. 1998. *Democratization in Malawi, A Stocktaking*, CLAIM, Blantyre, Malawi, p 100.

<sup>2</sup> Meinhardt H and Patel N. 2003. *Malawi's Process of Democratic Transition: An Analysis of Political Developments Between 1990 and 2003*. Lilongwe Konrad-Adenauer-Stiftung KAS, pp 30-31.

<sup>3</sup> Matlosa K & Patel N. 2006. Towards electoral system reform in Malawi, *KAS Occasional Paper No 10*, Lilongwe, Malawi, p 20.

<sup>4</sup> Bertelsmann Transformation Index. 2008. *Malawi Country Report*. <http://bertelsmann-transformation-index.de>.

<sup>5</sup> Nation ONLINE, UDF MP Joins Sec. 65 Case 25th August 2007. [http://www.nationmw.net/about\\_nation.htm](http://www.nationmw.net/about_nation.htm)

<sup>6</sup> The Malawi Constitution of 1994, revised in January 2004.

<sup>7</sup> Patel, N. 2008. Towards the consolidation of Malawi's democracy, *Konrad-Adenauer-Stiftung Occasional Paper No 11, Lilongwe, Malawi*, p27.

<sup>8</sup> Chigawa, M. 2008. *The concept of crossing the floor under Malawian Constitutional Law and the recall of members of parliament by the Electorate*. Paper presented at the Malawi Law Journal Launch, Blantyre, Malawi, 16-17 July.

<sup>9</sup> Ibid Chigawa, M. 2008.

<sup>10</sup> *The Daily Times*, Bingu vows to respect minority in parliament, 17 June 2009.

## Post-election conflicts and power sharing deals in Africa: A negation of democratic electoral outcomes?

*By Victor Shale, Senior Programme Officer, Governance Institution Process, EISA*

### Introduction

This article looks at elections and democracy in Africa, and interrogates the wisdom of negotiated power-sharing agreements in lieu of the outcomes of conventional democratic electoral processes. To this end, important and timely questions are raised as to whether or not power-sharing agreements are a panacea for the challenges in Africa's political and democratisation scenario.

It will also ask if power-sharing agreements supersede the will of the people as expressed through election results, discuss the value of elections, the causes of election-related conflicts in Africa and analyse what is behind the conflict among the protagonists.

We will examine the validity of power-sharing deals and suggest ways of dealing with election-related conflicts. The conclusion is that elections are an integral part of democracy, and that substituting post-election power-sharing arrangements for democratic electoral outcomes in an attempt to solve election-related conflicts is a short term and inappropriate form of intervention.

### Recent developments in African democratic practices

Literature on governance and democratisation in Africa suggests that this process has been extremely important in re-orienting African political systems. Arguably bolstered by regional efforts, the process has, according to Matlosa (2003:5), transformed many political systems away from authoritarian rule towards multiparty and competitive political governance, in particular by jettisoning military dictatorships and thus deliberately steering politics away from bullets. According to Afrobarometer (2009:9) there is evidence that ordinary people in Africa confirm this perception. After public attitude surveys conducted in 19 African countries during 2008 the report states that "an average of 59 percent of all Africans interviewed in these countries considered that they lived in a full or almost full democracy." The report shows that the citizens of Botswana lead with 91 per cent, followed closely by Ghanaians at 83 per cent, while Zimbabweans "trail far below at a dismal 14 per cent...."





As will be shown here, the Zimbabwean attitudes clearly result from the current democratic deficit in that country.

Although ballots have indeed replaced bullets, as we have witnessed – for instance – in Mozambique in 1994 and 2004, in Liberia in 2005, and in the Democratic Republic of Congo (DRC) in 2006, the military coups in Mauritania and Guinea, the fierce battle in the Eastern DRC between the government and rebel forces which escalated to unprecedented heights by the end of 2008 and the usurpation of power by the opposition party in Madagascar in March 2009, represent the enduring challenges facing Africa's democratisation project. However, it is encouraging to note the efforts made by the African Union (AU) and regional bodies such as the Economic Community of West Africa (ECOWAS) and the Southern African Development Community (SADC) to deal with these tendencies of unconstitutional power grabs.

The suspension of Mauritania and Guinea due to military coups in August 2008 and December 2008 respectively, as well as the refusal to recognise the self-installed government of Andry Rajoelina after deposing a democratically elected government are cases in point.

Nevertheless, there is a new trend that has emerged in the continent in the recent past where, even though there seem to be no obvious problems with pre-election phases, there are usually serious problems encountered in the post-election phases, particularly in hotly contested elections. The case in Kenya, where the 2007 disputed election results led to the killing of 1 133 people between 27 December 2007 and 29 February 2008 (Waki Report 2008:305) serves as an important example. The party which by all indications had lost the election, nonetheless held on to power through a negotiated settlement in terms of which a government of national unity was established.

Similarly, the Zimbabwean political crisis that followed the March 2008 elections where the ruling party not only manipulated the election results, but also unleashed terror on its people, as it had done in the past (Shale 2006:108), eventually led to a power-sharing deal with the opposition. These agreements have two far-reaching consequences for the continent.

First, such agreements are usually preceded by violence, despite the regional and continental efforts to attain peace and political stability, implying that they encourage violence as a tool for achieving political power unconstitutionally, in particular by incumbent regimes facing real prospects of losing power by legitimate, democratic means.

Secondly, they encourage non-acceptance of the results of democratic elections, thus rendering these electoral processes meaningless.

## Values and principles underpinning democratic elections

This paper departs from the understanding that elections are a stage within the larger democratisation process, where citizens choose national and local leaders to run the affairs of the nation on their behalf. Elections are undoubtedly an important constituent part of democracy and governance, even though they do not, on their own, amount to democracy. It is axiomatic therefore that while elections can lead to peace and democracy, they can also bring about political instability, as was the case in Angola in 1992, Lesotho in 1998 and recently in Kenya and Zimbabwe. It is for this reason that deliberate efforts have to be made

to ensure that elections add value in terms of political tolerance and peace instead of causing conflict. As Abuya (2009:128) aptly puts it, an electoral process must follow internationally set standards which ensure that every eligible voter has the opportunity to participate in a democratic electoral process transparently conducted by an independent elections management and monitoring body.

Such standards and principles address aspects and requirements of good electoral practice to avert conflicts, and they cover a wide range of issues spanning the pre-election, election and post-election phases. The African Charter on Democracy, Elections and Governance, adopted by the AU in 2007, calls on states to hold regular free and fair elections by establishing independent election management bodies, ensuring conflict management mechanisms, equitable access to media and the enforcement of electoral codes of conduct for all who take part in elections. The key challenge is to understand why there is widespread failure to comply with these standards. An exploration of the underlying causes of non-compliance follows.

### Causes of election-related conflicts: some perspectives

The causes of election-related conflict in the continent are many and varied, and while an exhaustive analysis of such causes is beyond the scope of this paper, we do isolate a few for the purpose of analysis. These are the delimitation of boundaries, political campaigns, media coverage of elections, voter registration, voters' roll and results management. In addition, the tendency by incumbent political leaders to prolong their stay in power is one of the key factors in election-related violence in many African countries.

As already pointed out, there are usually no major problems in the pre-election phases. While the first four sources of conflict identified above usually characterise the pre-election phase, they nonetheless have an important bearing on the entire electoral process, usually compounded by problems related to the management of election results.

The delimitation of boundaries has always been a bone of contention in most electoral processes because of the temptation of those in power to gerrymander the issue. The objective is often not to create manageable constituencies in line with the country's population density, but rather to achieve political goals. While there is conflict throughout the electoral process, tensions usually mount during the campaign period as parties tussle for campaign space.

In terms of the media coverage in many countries, the public media, which usually has an advantage in terms of better reach to all the corners of the country, are always dominated by ruling parties. This causes conflict because opposition parties are systematically deprived of the opportunity and space to put across their campaign messages, thereby creating unlevelled playing fields.

Voter registration and voters' rolls are also a source of problems for many countries. Disputes over the legitimacy and transparency of the voter registration processes usually lead to disputes about the election results.

The results management process has also proved to be the main source of post-election conflict in many African countries. This seriously calls into question the competence and professionalism of those charged with the responsibility of conducting elections.



For instance, the delay in the public announcement of the results and the subsequent revelation that the chairperson of the Kenya Electoral Commission did not know who won the 2007 election, contributed significantly to the post-election crisis in that country. Similarly, the delays by the Zimbabwe Electoral Commission before releasing the results as required by relevant legislation contributed significantly towards the post-election crisis that followed the 2007 elections in that country. A common underlying factor in post-election conflicts in Africa is obviously the attempts by electoral officials and the judiciary to maintain the ruling party in power even in the face of electoral defeat.

Elections are a competition for political power and therefore naturally tend to generate or heighten prospects for conflict. This competition is usually characterised by high stakes as parties seek to win power and the right to govern. In Africa particularly, politicians and their supporters tend to view control of the state as an essential way to accumulate wealth (Matlosa and Shale 2007:40). Thus electoral victory became a high-stakes game for the contesting political parties. This resulted in the phenomenon of incumbent political leaders and ruling parties regularly seeking to extend their stay in power, either by constitutional means or unconstitutional ones. This was the case in Zambia and in Malawi, where President Chiluba and President Muluzi attempted to alter their parties' constitutions to pave the way for them to stand for a third term. Such failure to allow a change in power often occurs at two levels, the party and the state.

The anti-democratic tendencies of political leaders is characterised by a failure to comply with internationally agreed best practices in election management. When this is coupled with the socio-economic advantages of gaining access to and controlling state power, the result is perverse incentives that lead to widespread non-acceptance of electoral defeat in Africa. Violence has therefore become a substitute for democratic election as a means of gaining access to power. In Africa this is often referred to as the 'Savimbi option' which, as happened in Angola after the 1992 elections, entails resorting to an armed struggle if the election results do not go according to the expectations of the losing party.

It is apparent therefore that opposition parties usually face enormous obstacles during elections. For instance, sham elections result from a widespread lack of transparency in the electoral process, the politicisation and control of state media and other institutions such as the police, the army and even the judiciary, and suppression of opposition groups and civil society organisations. In the few cases where opposition parties manage to overcome these obstacles and win power, the ruling parties usually cling to power and refuse to concede defeat, as happened in Kenya and Zimbabwe. The common solution to this tendency in Africa is usually to resort to power-sharing agreements rather than hand over power to the legitimate electoral winners for fear of violence, usually perpetrated by incumbents unwilling to give up power. This practice undermines democratic consolidation in Africa.

## Power-sharing deals: do they circumvent the popular will?

In the light of what has been discussed so far, it is important to ask whether power-sharing deals are an appropriate solution to the problems highlighted. This paper argues that recent cases make it clear that the power-sharing deals that are becoming a common feature of African politics are not random occurrences but are calculated acts meant to achieve clear political goals. They are facades which bring about illegitimate regimes that lack popular mandates. These power-sharing arrangements usually come about as a result of 'behind-closed-door' deals between belligerents in contested elections, usually with minimum, if any,

Involvement of the electorate, whose electoral preferences are consequently disregarded. These arrangements allow those in power to undermine the popular choices expressed through due electoral processes.

The argument adopted in this article therefore is that power-sharing arrangements are an inappropriate and illegitimate method of constituting government, as they undermine the right of people to choose and express their preferences as to who should govern.

A number of discursive justifications have been offered for this phenomenon. One of them is that the post-election violent conflict that results from the contested elections, as seen in Kenya and Zimbabwe, warrants intervention in order to prevent or contain violence and maintain peace and stability. Usually such interventions are driven through external mediators sanctioned by the international community. The problem, though, is that the resulting political authority usually lacks popular legitimacy because the local population has been excluded from participating. As Rousseau's doctrine of general-will states, political legitimacy derives from the general-will, implying clearly that legitimate sovereign authority cannot be imposed but derives its legitimacy from the popular will.

The Afrobarometer report (2009:16) shows that countries like Kenya, where there is a power-sharing arrangement, are among those with declining approval ratings in terms of movement away from or toward consolidated democracy. It shows that in Kenya, demand for democracy has risen slightly, but the perceived supply of democracy dropped by over 40 percentage points, more than in any other country examined during the study. As a consequence, a promising new democratic era dawned in 2003, but had unravelled by 2008. The arrangement in Kenya and Zimbabwe emerged as a solution to post-electoral disputes and conflict. Clearly, therefore, there is a need to look for long-lasting political solutions to election-related conflict in Africa, to ensure that the will of the people as expressed in democratic elections is the basis for constituting governments, rather than undemocratic arrangements by political leaders in closed-door settings.

## Conclusion and possible solutions

Africa has reached significant milestones since the dawn of democracy in the early 1990s. This article has cautioned, however, that the mere widespread institutionalisation of elections does not necessarily guarantee democracy. A major challenge facing the continent is the increasing tendency of political leaders and political parties to refuse to accept the results of elections, which often leads to conflict and violence. There is an equally worrying tendency to resolve the widespread phenomenon of refusal to accept election results and the ensuing post-election violence by resorting to undemocratic power-sharing arrangements. The authors believe that power-sharing agreements should not be institutionalised to resolve post-election violence and the refusal to acknowledge and accept the results of popular elections. It is argued that these agreements undermine the democratic will of the people as expressed through popular election results, and also lack the legitimacy that follows the involvement and participation of the people.

Three critical solutions are worth pursuing:

- the implementation of international principles of election management
- the institutionalisation of participation by citizens
- building and strengthening capacity for election management.



It has been argued that one of the key challenges facing African countries is the failure by politicians to abide by accepted electoral rules, procedures and codes of conduct. That is why it is extremely important to institutionalise compliance with these standards. Abuya argues that "in order for states in Africa to walk the (desired) democratic path, sitting governments must comply with internationally recognized standards on free and fair elections" (2009:129). Admittedly, this has been stressed many times. Therefore it is important to add that for compliance to happen, it is critical that strong political incentives are created by regional and continental bodies, as well as the international community, particularly for incumbent regimes and political leaders that lose political power through legitimate, free and fair democratic elections, to willingly give up power. Further, strong legal, political and diplomatic disincentives (ie sanctions) should be put in place for those leaders or regimes that cling to power despite losing electoral contests.

Another essential factor is the need to institutionalise the participation of citizens in democratic processes that lead to establishing duly constituted governments to ensure popular legitimacy. Citizen participation needs to be an integral part of the management of electoral processes, particularly in politically fragile and unstable environments. The point is that in order to deal effectively with the root causes of election-related conflicts, democratic elections and the management and resolution of post-election conflicts must be underpinned by the maximum participation of civil society, particularly where such participation processes place the will of citizens at the centre. The participation of citizens opens up opportunities for communication and joint efforts, which increase the prospects for conflict resolution. Citizen involvement also increases the chances of bridging the divide between government and civil society, between elites and grassroots levels within communities, and among different cultural world views on how to manage conflicts (Shale 2006). It also serves as a valve through which tensions that build up during the electoral process can be channelled, while providing the necessary popular legitimacy to the resolutions arrived at. The Kenyan and Zimbabwean power-sharing negotiations were essentially elite pacts that totally lacked the participation of civil society.

Finally, there is a dire need to enhance the institutional capacity of electoral management bodies to carry out their mandates. This needs to include the provision of critical skills training as well as emphasis on depth of knowledge and therefore enhanced enforcement of electoral rules, regulations and codes of conduct. Enhancing mediation and political conflict resolution skills is also vital, as is the selection or appointment of skilled, experienced, non-partisan personnel of electoral management bodies, ensuring that they are drawn from all sectors of society. The involvement of independent civil society organisations, effective external observer missions and a free and independent media during all the key phases of electoral processes is critical if electoral outcomes are not to be manipulated by incumbent political leaders and regimes bent on guaranteeing their continued stay in power after losing electoral contests.

#### **Endnote**

<sup>1</sup> See Electoral Institute of Southern Africa and Electoral Commissions Forum of the SADC region (ECF) Principles for the election management, monitoring and observation in the SADC region (PEMMO), & SADC the Principles and guidelines governing democratic elections adopted in 2003 and 2004 respectively.

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## Electoral politics and the mobilisation of ethnic identities in Africa: The case of Mozambique

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### Introduction

This article discusses the polarisation of ethnic identities in Mozambique and whether or not this is mobilised for political ends, particularly under conditions of electoral violence. It examines the phenomenon of the politicisation and mobilisation of ethnic identities for political ends in Mozambique, and prospects for election related to political violence. It also



explores the relationship between some of the major ethnic groups and the major political parties, and takes the view that the prospects for politicising and mobilising ethnic identities for these ends are limited, because of the unique social and political circumstances prevailing in the country.

According to Osinubi and Osinubi (2006:101), conflicts or civil wars in sub-Saharan African countries, such as Rwanda and Sudan, have deep ethnic, religious and racial roots. Therefore accounts of political violence in many parts of Africa tend to identify ethnicity as the cause, often hastily and without proper and in-depth analysis of the circumstances surrounding the violence. For instance, studies on Mozambique (Vaux et al 2006) have revealed that despite the country being ethnically diverse, ethnicity has not led to political and/or electoral violence. As will be explained, there are a number of key factors that account for the fact that ethnic diversity has not translated into deep social divisions leading, in turn, to ethnic political conflict and violence, as has happened in many countries in sub-Saharan Africa. Two of these factors are the absence of active politicisation and mobilisation of ethnicity for political ends, and the absence of popular/social receptivity to the political mobilisation of ethnicity. Social receptivity emerges in contexts of socio-political and/or economic exclusion, and unequal and oppressive treatment of one or more ethnic group by another. Thus, the feeling of unfair and unjust treatment can drive communities to be more receptive to exhortations for active resistance, protest and even violence as a way of addressing the perceived injustices.

This paper will therefore argue that although Mozambique has the necessary conditions conducive to ethnic polarisation and the potential for ethnic conflict and violence, the prospects for this are minimal at this stage.

## Two theoretical perspectives on ethnicity as a cause of political violence

Research conducted on social identity as a determinant of political violence in Africa has produced valuable insights. On one hand, some of this work, including Idowu (1999) on citizenship and alienation, Osinubi and Osinubi (2006) on ethnic conflicts or research work done on civil wars in African countries, such as Nigeria and Rwanda, points to the centrality of ethnicity, tribalism and clan hatred as underlying causes of political violence. Thus, many organisations in Africa (such as rebel groups and political parties) are usually organised along the lines of clan, tribal, or ethnic identities, and politicians or other leaders often play upon these ethnic differences for political ends, such as contesting elections. However another perspective on ethnic-based political violence in Africa is that ethnic divisions do not necessarily fuel violence or tensions but rather that poverty and economic deprivation do (Elbadawi and Sambanis 2000). This view contends that there are several key pre-conditions that need to prevail in a country in order for a society to translate ethnic diversity into ethnic-based political divisions, conflict and violence:

- A sense of socio-political and economic deprivation of one or more ethnic groups by another, or under successive regimes, under conditions of intense competition for scarce resources.
- The role of political elites/patrons of different ethnic groups in manipulating or mobilising ethnic identities for political ends or securing advantages from the state.
- General ethnic-based social discontent, which increases social receptivity to the politicisation and mobilisation of ethnic divisions for political ends.

Idowu (1999: 44) concurs with the second perspective, arguing that far from being inherently conflictual, ethnicity or ethnic identities are manufactured and become emboldened when other factors (ie psychological, social, economic and political) are brought to bear on it.

### The politicisation of ethnic identities in Mozambique

Mozambique, like the rest of Africa, is a complex and multilayered society, with multiple divisions along the lines of ethnicity, region, rural/urban divide, religion, class and race. The country has diverse ethnic groups, the major ones being the Makwa, Shangana and Sena. However, there is no single group that is overwhelmingly dominant, but this does not mean that conflict and animosities between groups do not exist. For instance, under Portuguese colonial rule, a conscious policy of 'divide and rule' was used to take advantage of ethnic divisions to create conflict and disharmony. It was common for the Portuguese to set major ethnic groups against each other to the advantage of the colonial rulers/ administrators (Alves 1994).

Also, during the liberation war the Portuguese sowed seeds of conflict between some ethnic groups deliberately, by distributing pamphlets in the northern part of the country, particularly in regions inhabited by the Makwas, claiming that the liberation war was a tribal conflict between the Makondes and Makwas.<sup>1</sup> The Makwa groups were thus exhorted to join forces with the Portuguese to fight against the Makondes, which included allowing the Portuguese to set up lines of defence in Makwa areas and enlisting the Makwa leadership to repel the penetration of FRELIMO guerrillas into these areas. The same 'divide and rule' tactics were applied in the central regions of the country. Therefore, when FRELIMO came to power in 1992, most of the central and northern ethnic groups were marginalised as a result of divisions and internal struggles that occurred during the liberation war. So there are some residual, ethnically politicised divisions linking back to these historical events in Mozambique which cannot be ignored.

Internally, political parties like FRELIMO have conflicts which have had an ethnic flavour, especially deriving from political splits and expulsions along geo-ethnic lines. These have resulted in a transition of leadership from the centre/northern elites to the dominance of the southern elite. Thus, the first Mozambican post-independence government comprised mainly FRELIMO supporters from ethnic groups south of the Save River, and by the Makondes (Hoile 1994). By contrast, the opposition parties, particularly RENAMO, are seen to be controlled by the central and northern elite, particularly from Makwa, Sena and Ndaw groups (Hoile 1994; Cahen 1998). However Cahen (1998: 15) argues that by encouraging ethnic polarisation, the government could not modify its image as a southern-controlled state that did not represent the majority of its citizens.

Externally, political interactions between RENAMO and FRELIMO tend to reflect ethnic identities and sentiments. The opposition RENAMO usually portrays FRELIMO as a southern movement of the Shangana people. Using electoral strategies highlighting ethnic disparities and marginalisation, RENAMO has often attempted to co-opt electoral activists, using local languages and colours which represent the groups that were less represented in the FRELIMO government, particularly the core of old northern Creole (from Zambezia valley, from Mozambique island and Ibo island).

Despite this overt politicisation of ethnic differences, it is still possible to argue that Mozambicans do not vote along ethnic solidarity lines but rather tend to reflect other salient



factors, particularly the political struggle credentials of parties like FRELIMO. In his analysis of the 1994 elections, De Brito (1996:476) notes that FRELIMO benefited from strong support in Makonde and Shangana territory. The author accounts for support from these ethnic groups by referring to the struggle history and credentials of the FRELIMO leaders and fighters who came from these communities, not ethnic sentiments. The same argument could apply to the zones that favoured RENAMO, as these were where its operations began. The Afrobarometer Round 2 survey data shows that those who identify with FRELIMO are slightly higher among the Shangana-Ronga (62 per cent) and the Makwa-Lomwe speakers (60 per cent), while they are lower among the Sena-Ndaw (55 per cent). The latter tends to consist of a greater number of those who identify with the opposition RENAMO. It appears as if ethnicity is not strongly associated with FRELIMO support, but in the case of RENAMO, there appears to be a stronger association between the party and support by specific ethnic groups. There appeared to be no association between ethnicity and independent parties (or non-partisan groups).

## Prospects for politicisation and mobilisation of ethnicity for political ends

The general consensus among scholars of African politics is that ethnicity has a very strong bearing on political violence. If this assumption is right, then it would be expected that ethnicity would also cause political violence in Mozambique, particularly at election time. In practice, though, this has not happened for a number of reasons.

Firstly, unlike some African countries, ethnicity in Mozambique has not been used as an instrument in the contest for resources, or mobilised to rally social groups seeking redress from the political system. In Nigeria for instance, studies show that political elites routinely utilise ethnicity as a tool to negotiate access to power and resources for the privileged, making ethnicity a basis for making claims on the state for greater political autonomy and the right to self-determination (Osinubi and Osinubi 2006:108). As indicated earlier, Mozambique consists of a number of different ethnic groups, none of which constitutes a numerical majority in the country. As such no political party can or dare rely entirely on only one ethnic group as this will not be sufficient to obtain the necessary electoral majority to guarantee outright electoral victory.

This context therefore creates an incentive for the elites from the major political parties to build cross-ethnic electoral alliances that represent the diversity of the different ethnic groups rather than focus attention on a single ethnic group for electoral support. In other words, there is a disincentive for political parties to cultivate political and electoral support from exclusive ethnic bases, and a positive incentive for parties to employ multi-ethnic electioneering approaches to attract support from various ethnic groups in Mozambique.

Secondly, despite FRELIMO and RENAMO being perceived as parties which represent particular ethnic groups (for instance FRELIMO is perceived as a party for the Shangana-Ronga people, while RENAMO is perceived as a party for the Sena-Ndaw groups), both parties have tended to expand their alliances beyond these groups and across different ethnic barriers. For example, FRELIMO leaders have been able to utilise patronage networks within the party and the state apparatus to accommodate elites from various ethnic groups. Moreover, the FRELIMO government has, to some extent, created a level playing field by guaranteeing access and participation for all its competitors. These processes were also

extended to other elites outside FRELIMO party circles, particularly from civil society organisations, the universities and other interest groups. Some of these non-Changana-Ronga elites were appointed as ministers, vice deputies, mayors, and national and provincial directors. There is no clear evidence therefore of increasing material, political and social deprivation and disenchantment or disaffection by some ethnic groupings towards the FRELIMO government that could result in greater politicisation and mobilisation of ethnic identities for political ends.

Thirdly, the mere existence of ethnic divisions does not create an environment for political mobilisation along ethnic lines. It is the existence of a combination of factors, such as political opportunities, organisational capacity, leadership, the ideological basis, programmes, the symbols and, crucially, social receptivity among the groups to translate ethnicity into active mobilisation for political ends. Some of these conditions already exist in Mozambique, particularly the ethnic divisions, political opportunity, leadership, and the organisational symbols and programmes. However, there is not sufficient social receptivity to the groups to turn ethnic identities into social entities that are actively mobilised for political/electoral ends.

For instance, to test for perceptions of injustice and unfair treatment by ethnic groups in Mozambique, the Afrobarometer Survey Round 2 of 2002 and Round 3 of 2005 asked members of various ethnic groups to indicate whether or not their groups had been treated unfairly by the incumbent government. The 2002 and 2005 findings revealed that very few Mozambicans felt that they are being treated unfairly. In 2005, for example, 63 per cent of respondents<sup>2</sup> felt that their ethnic groups were never treated unfairly by the government, a huge improvement from 22 per cent in 2002. Although in 2005, 6 per cent felt that their ethnic groups were always treated unfairly compared to 2 per cent in 2002, this difference is statistically insignificant.

The survey also asked those respondents who identified with an ethnic group if their groups' economic conditions were 'much worse', 'worse', 'the same' or 'much better' and 'better than other ethnic groups in the country'. The 2002 findings show that 13 per cent of the respondents declared that their ethnic groups' economic conditions were much better, whereas 10 per cent felt 'much worse'/'worse'; 18 per cent felt 'the same' and 3 per cent did not answer. In the 2005 Afrobarometer Round 3, while only 2 per cent felt much better, 5 per cent felt much worse and a large portion (44 per cent) felt the same. From a social and economic exclusion viewpoint, these findings seem to suggest that ethnic identities in Mozambique do not yet provide fertile ground for mobilisation towards political ends.

The 2009 Presidential, National and Provincial Assemblies election took place on 28 October. Interim statements of election monitoring and some observer missions<sup>3</sup> show that although there were reports of election violence, these were isolated, and once party leaders intervened, there seemed to be a reduction in violence. Also, the violence reported was linked more to party campaigning issues than to any other factor.

Finally, another important factor that served to prevent the situation discussed in this article, is that the major political parties in the country do not have the necessary institutional capacity and resources to exploit existing potential opportunities for this action. Moreover, since the 1990s, especially after the introduction of the new constitution, the FRELIMO government has deliberately set out to manage ethnic demands and conflicts in order to forestall their possible escalation into deadly internecine conflict.





## Conclusion

Ethnic identities have been politicised and mobilised for political ends in many African countries over the years. However, the mere existence of ethnic divisions does not automatically translate into active political mobilisation for political ends. A set of crucial factors have to prevail for this to happen. These include the political opportunity, organisational capacity, leadership, ideological inclination, and appropriate political programmes in this regard. But more importantly, there has to be a sense of injustice and therefore ethnic group receptivity towards mobilising identities for political ends.

This article sought to show that while some of these factors are present in Mozambique, there is lack of social receptivity for ethnic mobilisation due to unique political circumstance prevailing in the country.

### Endnotes

- <sup>1</sup> It is clearly not possible to call FRELIMO a predominantly Makonde movement, when so much of its leadership and fighting cadres were drawn from different ethnic groups around the country.
- <sup>2</sup> For details on respondents, and representative samples see Afrobarometer 2005 and 2002 summary of results and 2002 working and briefing papers report <http://polisci.msu.edu/afronov25/mozambique.htm>
- <sup>3</sup> These interim statements from the Commonwealth, Electoral Institute of Southern Africa election observer missions, can be accessed on line at the <http://www.thecommonwealth.org/news/215448/301009mozambiqueinterimstatement.htm>; <http://www.eisa.org.za/EISA/pr20091030.htm> retrieved 19<sup>th</sup> November 2009

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# Endorsement and discontent: Understanding ANC electoral dominance amidst widespread service delivery protests

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## Introduction

In the 2009 general elections in South Africa, the African National Congress (ANC) achieved a sizeable electoral victory against challenging political odds. Commentators and analysts continue to debate the reasons for ANC victories against such debilitating odds. This article attempts to make sense of the paradox of continued mass electoral endorsement of the ANC in the context of widespread communal strife and protests that started as far back as 2004. It is clear that there is no single and easy answer to the ANC's electoral victories in the face of apparent popular discontent. This article discusses current perspectives, but concludes that they are inadequate as explanations for the causes of violent community protests. Other possible explanations are discussed.

## Recent service delivery protests in South Africa

In April 2009, the ANC achieved what many still regard as a miracle: a convincing electoral victory in the wake of widespread and often violent popular uprisings and protests, apparently about lack of service delivery. However, what many commentators and observers seemed to ignore is that this was not the first occasion when the ANC had achieved convincing electoral victory in adverse circumstances. For instance, in May 2006 local government elections took place amid widespread discontent and violent protests over poor municipal services, and the party won convincingly, with a crushing 66.3 per cent victory.<sup>1</sup>

The recent history of service delivery protests goes back to 2004, immediately after the ANC had won the country's third straight national elections.<sup>2</sup> In 2005, a year later and a year before the 2006 municipal elections, 35 service delivery protests erupted across the country, the highest number ever recorded at that time.<sup>3</sup> Again in 2008, months before the 2009 provincial and national elections, a series of protests, including xenophobic attacks against immigrants, broke out in many communities in the country. In the midst of all these protests, at the end of 2008, several by-elections were held throughout the country, many of them precipitated by resignations of ANC local councillors defecting to the newly formed Congress of the People (COPE). These community protests clearly did not disadvantage the ANC because the party went on to win the majority of the by-elections.

The 2009 general elections, again, were held during widespread, persistent and widely reported community protests, ostensibly against the government's inability to render



services effectively to poor communities across the country. In fact, it has been reported that the number of service delivery protests in 2009 is projected to exceed the highest number recorded in 2005. In the middle of all this, the ANC won another convincing electoral victory, with a 65.9 per cent margin.

## Causes of and explanations for service delivery protests

In examining why the ANC continues to win elections in spite of community discontent, it is necessary to review the debates on these protests. The notion of 'service delivery protest' appears to be self-explanatory, but is essentially problematic in that it obscures at the same time as it simplifies a range of fairly complex activities that often appear to be deceptively straightforward in their manifestation and character. However, they are often underpinned by motives far removed from issues of basic service delivery. Some commentators also argue that the concept is restrictive in its application and serves to obscure the broader purpose of these protest actions, which should be seen as extending beyond mere dissatisfaction with the delivery of social services, and incorporating questions about the quality and efficacy of South Africa's democracy. Therefore, there is no consensus about the causes and purposes of these community protests. In fact there is a fundamental problem with current debates and attempts to identify these causes. In some cases these attempts have merely yielded a conflation of what appears to be underlying long-term causes, with a myriad of short-term 'trigger factors' or 'accelerators'.<sup>4</sup>

An analysis of reports, media coverage and current debates yields two broad tendencies: on one hand, the protests are caused by inadequate, lack of, or the slow pace of, service delivery. On the other hand, the protests are the results of more than just dissatisfaction with service delivery. They are caused by the poor quality and inefficacy of South Africa's democracy and governance. An examination of these two perspectives follows.

The first tendency is a common and dominant one that many commentators, observers and the media reports routinely put forward. It sees the root cause as the exclusion of poor communities from service delivery. As a result of this exclusion, poor communities are expressing their frustration and anger, and are demanding to be included in service delivery programmes. It is argued that in those areas where protests have occurred, in spite of services being delivered, they are insufficient, of poor quality, or too slow. The community therefore is seeking faster and better quality of services.<sup>5</sup>

To illustrate this, media reports on these protests often feature personal stories of deprivation and exclusion in areas affected by protests. For instance, one newspaper quotes someone from Mataban (Mpumalanga) as saying "we are getting poorer and the people who are benefitting are greedy and corrupt politicians,"<sup>6</sup> in reference to the benefits that the community had expected from the 2010 World Cup stadium construction work. Another from the same community says "our water is being used for the construction of the stadium and so we have no choice but to come to these dirty holes for water."<sup>7</sup> A community member from Phola Park in Thokoza, Gauteng, says "our dignity as women has been lowered because we have to relieve ourselves in buckets or in the bushes."<sup>8</sup> These are not isolated statements, but examples of an all-too-common sentiment across many impoverished communities throughout the country.

The Minister of Cooperative Governance and Traditional Authorities, Sicelo Shiceka, is also convinced that poor or no service delivery is the cause of the protests, stating "...I am convinced that these municipalities are not going to assist our people. Service delivery is not

happening, corruption is endemic...<sup>9</sup> His predecessor, Sydney Mufamadi, apparently put a different spin on this though, arguing that as government succeeded in delivering services to communities and improving the lives of many poor South Africans, those that are yet to receive these benefits have become impatient and have resorted to protest action to demand speedier service delivery.<sup>10</sup>

President Jacob Zuma also argues that “no community should be left out when it comes to meeting its development challenges.”<sup>11</sup> Zuma is convinced that there are communities that have been or are being excluded from receiving government services, which has prompted them to rise up in mass protest. Even some on the left go along with this view, blaming the government's neoliberal macro-economic Growth, Employment and Redistribution (GEAR) policy framework, through privatising municipal services and introducing charges for services such as water and electricity, for excluding poor working-class households from access to services.<sup>12</sup>

A variety of factors have been identified to explain why service delivery has been poor, inefficient or non-existent. For instance, lack of resources (ie funds and skilled personnel) and poor technical and administrative capacity at municipal level are commonly cited. Included here are poor financial management skills, corruption, an inability to plan service delivery, weak monitoring of implementation processes, and ineffective and poor recruitment processes.<sup>13</sup> These are the reasons identified for the municipalities' failure to deliver water, electricity, sanitation, and local economic development and infrastructure to impoverished communities throughout the country. Minister Sicelo Shiceka's new Turnaround Strategy clearly identified many of these constraints and seeks to address them. However, the government has not explained why these constraints persist, given that Project Consolidate, introduced in 2007, sought to address them.

The second perspective on the underlying causes of these protests goes further, questioning the quality of South Africa's democracy and its practices. Here the suggestion is that the protests are about more than service delivery; they are about the underlying system of governance and democracy and how transformation has failed. Jeremy Cronin of the SACP advances this view, arguing:

“Underpinning all this is a basic fact. In 15 years we have failed to transform the spatial pattern of apartheid. Our social geography continues to reproduce grotesque levels of racialised inequality and separation. Where you live determines what education you are likely to get, what possibilities you have of future employment, what it costs to get to work.”<sup>14</sup>

Cronin goes on to argue that “throwing more 'deliverables' at townships will not by itself transform these spatial realities. We need a different kind of development.”<sup>15</sup> One analyst goes further, calling for service delivery to be stopped because the protests are not about demands for more and faster service delivery but about more 'public service'.<sup>16</sup> The implication here is that delivery of services by government is often not in line with the preferences and needs of local communities. Lack of effective citizen participation in the decision-making processes that affect and shape their lives, while not meeting their expressed needs, is seen as a symptom of a system dominated by non-accountable, top-down bureaucrats/technocrats and political leaders who are out of touch with the needs of many communities. This is seen as a fundamental cause of community protests.

Many commentators do support the view that service delivery protests reflect something fundamentally flawed in the quality and efficacy of South Africa's democracy. For instance,



the president of the Azanian People's Organisation (AZAPO) and former minister of science and technology, Mosibudi Mangena, believes that the cause of service delivery protests is what he calls "the prison called service delivery,"<sup>17</sup> adding that "people who sit waiting for somebody to deliver water, houses and electricity to them can't be said to be free. They are captives of politicians who routinely pacify them with promises." Mangena goes on to argue that "there is too much emphasis on the provision of free things as opposed to giving people education, skills and opportunities to do things for themselves."<sup>18</sup>

Much of the emphasis here seems to be on the issue of ineffective and non-accountable governance, and lack of consultative decision-making processes, as well as non-accountable, corrupt and self-serving political leaders. A number of symptoms of the underlying problem are often cited. These include non-consultative IDP processes, weak legislative institutions, the current PR electoral system that leads to the election of representatives without direct constituency relations with those who elected them, and the ineffective ward committee system that fails to promote local democracy and citizen involvement in decision-making processes at local government level.

These two perspectives do offer valuable insights into ways of understanding what prompts some communities to go the route of violent protest to register their views. There is no doubt that many communities and households have missed out or have been victims of poor or even non-existent service delivery, while others, as the second perspective contends, have been at the receiving end of unwanted and bureaucratically determined top-down service delivery schemes that did not take their needs and preferences into account.

However, these perspectives are also somewhat limited in terms of their ability to explain why many other communities, equally affected by lack of services, have not chosen violent protest to express their anger and frustration. In fact, both perspectives seem unable to explain the numerous instances where fairly well serviced provinces, such as Gauteng and the Western Cape,<sup>19</sup> have experienced some of the most violent protest actions the country has seen in the past few years, while many desperately impoverished communities in predominantly poor provinces, such as Limpopo and the Eastern Cape, have not, in spite of the prevalence of underlying conditions that lead to popular anger and frustration.

Perhaps this is where 'trigger factors' of protest action become important as key variables in understanding the eruption of violence in some communities and not in others, as well as the nature and purposes of the protests. In this regard, factors such as the role and effectiveness of local leaders in mobilising communities over a range of issues of concern (including poor service delivery), local leadership struggles for power, turf battles among local businesses, local perceptions about the high levels of corruption and the misuse of public resources in their municipalities, misinformation and rumours, the effects of the economic recession on communities, failure by municipalities to respond to urgent community needs, and other short-term factors have helped trigger community discontent into active and violent protest in some areas and not in others.

Many of these trigger factors have manifested differently in different communities and under specific circumstances. For instance, recent reports have suggested that the ANC is unhappy about the role that some of its alliance partners, particularly the SACP and COSATU unions, play in stoking up protest action against the government.<sup>20</sup> Another is the case of a protest in Diepsloot, Johannesburg, which was triggered by a councillor informing residents that some



households would be relocated to different areas to make room for upgrading infrastructure.<sup>21</sup> These triggers often interact in unique ways and at specific times, together with underlying socio-economic and political conditions, to produce violent or non-violent protest actions in some cases, but leading to passive reactions or even indifference in others. The challenge for future research is to explore these differing reactions, despite the fact that many communities face similar socio-economic and political circumstances.

## Understanding continued ANC electoral dominance

This discussion not only highlights perspectives on the causes of community protests, but also the widespread acknowledgement, even by key ANC leaders, of the problems of ineffective service delivery and the poor quality and efficacy of South Africa's democracy. How then do we explain the continued electoral dominance of the ruling party, including its remarkable electoral performance in the most recent national elections where it was widely expected to suffer significant loss?

Many observers and analysts have mulled over what is an unlikely scenario in many advanced democracies: a popular electoral endorsement of an incumbent party by what appears to be a largely discontented mass of voters. One newspaper columnist conveyed this puzzle succinctly, and offered a conventional prescription on what ought to happen:

“In Western Cape, people ran away from the ANC and voted for the opposition in droves out of protest against corruption and weak government... how long before people in other parts of the country also come to understand that this is exactly what democracy is supposed to be about: if a political party is not looking after your interest, you vote against them.”<sup>22</sup>

There are many possible reasons why the ANC managed to achieve electoral victory under inauspicious political conditions in 2009. It is possible that many of the protesters are not protesting against the ANC as such, but against the processes and quality of government service delivery. In the context of such an overwhelming electoral victory it would seem plausible to assume that the majority of South Africans are, by and large, content with the ANC as the vehicle for articulating their needs and aspirations. This, however, would imply that citizens are not only able to differentiate between the ANC as a party and the government as a service delivery agent, but are also able to apportion responsibility for poor service delivery accordingly. Evidence seems to substantiate this. For instance, press reports from violence-torn areas routinely carry protesters' declarations of loyalty to the ANC while they are denouncing government bureaucrats or ANC councillors in their areas.<sup>23</sup> A case in point is that of Fanuel Manana, one of the leaders of a recent protest in Standerton, Mpumalanga, who declared in a radio broadcast, “we are loyal members of the ANC.”<sup>24</sup>

Secondly, for many black people the ANC remains the party that liberated South Africa and brought them freedom. Many still believe strongly that the party is not only likely to understand their needs and grievances better than others, but is also likely to meet these needs. Moreover, over the past 15 years ANC governments did deliver visibly in areas of low-cost housing, mass electrification, social grants, and so on. Therefore it is reasonable to assume that for many the protest action is a tool to get the government to attend to those whose needs are yet to be met, rather than an attempt to remove the ruling party from power.



### Votes by party in Kwa-Zulu Natal

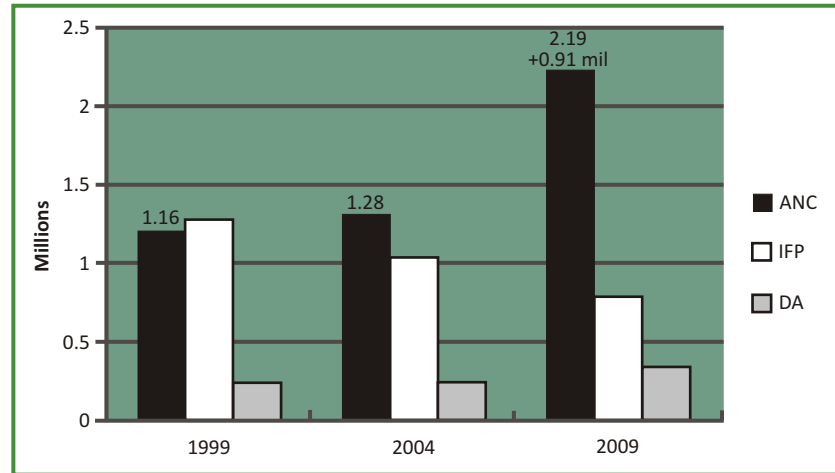


Figure 1: Growth of ANC electoral support in KZN

Thirdly, while the ANC secured a dominant electoral victory in the 2009 elections, (thanks in part to a strong showing in KZN; Figure 1 shows that the ANC gained nearly 1 million votes in that province), it nonetheless experienced a reduction in the number of votes cast in five provinces (see Figure 2). Coupled with this was the voter turnout, which showed that only 17.9 million citizens cast their ballots out of an eligible voting population of just over 23 million. This means that a large number of those who did not vote, plus those who voted against the ANC, make up a section of the population that may engage in alternative forms of social action, including protest action, to express their views.

Fourth, the ANC remains a very popular political party with a large and fiercely loyal voter support base. It is clear that all the problems and adverse political conditions that prevailed in the country in the lead-up to the 2009 elections did not undermine the reservoir of loyalty to the party.<sup>25</sup> Added to this, it should be noted, is the ANC election campaign machinery, backed by an enormous campaign war chest<sup>26</sup> and highly motivated cadre of activists on the ground.

### ANC votes by province

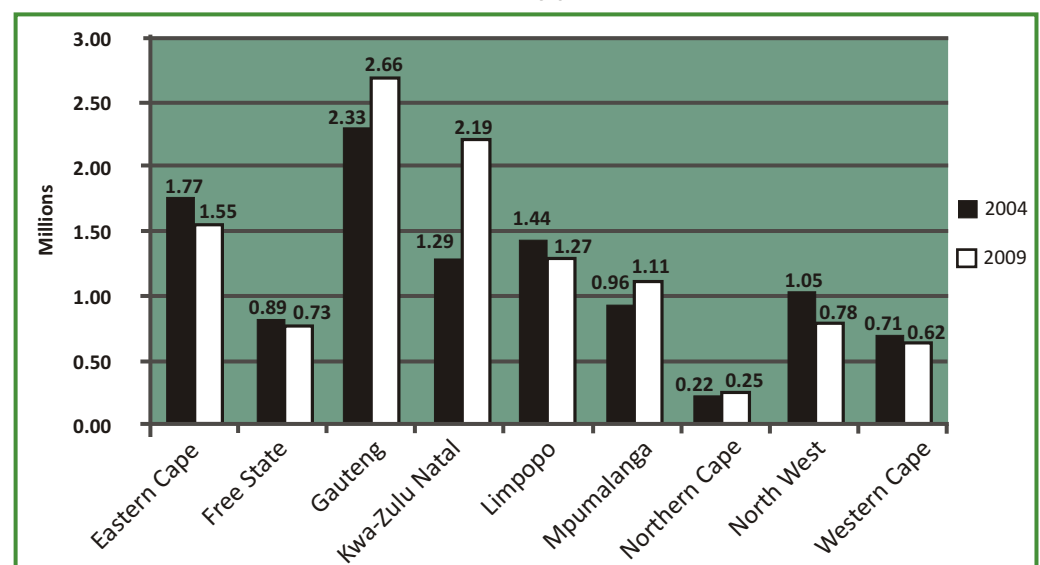


Figure 2: Reduction in ANC votes in five provinces

This machinery was effective in mobilising the party's traditional supporters to come out in droves to cast their ballots. The ANC also performed very well among newly registered voters, especially the youth.

Fifth, Zuma's charisma and appeal, particularly in provinces such as KZN and Mpumalanga, and traditional strongholds like Eastern Cape and Gauteng, combined with the efforts of alliance partners South African Communist Party (SACP) and the Congress of South African Trade Unions (COSATU) minimised the negative electoral outlook for the party.

Sixth, opposition parties in South Africa remain weak and unattractive as alternatives to the ruling party, especially for the majority of black voters. Many black people are highly sceptical of the ability of opposition parties in general to advance their interests, and would therefore prefer to express dissatisfaction with the ANC by not voting, rather than by casting a vote for an opposition party. Therefore once the election campaign officially got under way, there was never any serious doubt as to the outcome, even during the ruling party's worst moments in the campaign period.

Finally, the incumbency factor benefited the ANC enormously. Literature seems to suggest that, globally, incumbent parties enjoy extremely high chances of re-election to office. The recent history of elections in Africa (between 1989 and 2006) provides plenty of evidence for this.<sup>27</sup>

## Conclusion

his article sought to provide some explanations as to why the ruling party continues to command enormous electoral support under conditions of mass discontent. There is no doubt that the basic needs of many South Africans remain unmet, just as it is clear that the quality of South Africa's democracy and its efficacy in delivering many political goods remains weak.

Also, it may well be that the so-called service delivery protests that continue to erupt all over the country reflect a combination of both deep-rooted and enduring socio-economic and political causes and fleeting circumstances that are nonetheless important factors in shaping the life experiences of ordinary people.

However, it is clear that the sometimes violent discontent with these inadequacies of our service delivery processes and democratic practices have not translated into mass rejection of the ruling party. Ironically, these circumstances might be precisely what binds the impoverished South African masses to the ruling party as a trusted political vehicle for realising their aspirations.

### Endnotes

<sup>1</sup> See, for example, *Cape Argus*, 13/10/2005: '66 Cops injured in illegal service delivery protests.

<sup>2</sup> See *Business Day*, 22/07/2009, Service delivery protests growing more political, Johan Burger, The reasons behind service delivery protests In South Africa, Polity, 05/08/2009 ([www.polity.org.za/](http://www.polity.org.za/))

<sup>3</sup> *Mail & Guardian Online*, 20/07/2009, Service delivery protests a warning sign for Govt.

<sup>4</sup> See Mike Hough, Violent protest at local government In South Africa: Revolutionary potential? (Institute of Security Studies, University of Pretoria, undated), pp 2-3.

<sup>5</sup> See *Cape Times*, 12/08/2005, Protesters are claiming a voice.

<sup>6</sup> *The Star*, 26/10/2009

<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.*

<sup>9</sup> SABC News, 17/02/2009.

<sup>10</sup> See Media24.com: 06/08/2009, Cronin vs. Leon: service delivery protests.

<sup>11</sup> SABC News, 04/08/2009, Zuma visits service delivery hotspots, [www.sabcnews.com/](http://www.sabcnews.com/)



- <sup>12</sup> See Ibrahim Steyn, What the state response to the anger of protesting communities is not telling us, The South African Civil Society Information Service, 04/08/2009, ([www.sacsis.org.za/site/articles/328.1](http://www.sacsis.org.za/site/articles/328.1)).
- <sup>13</sup> A recent government Task Team to probe service delivery problems in Mpumalanga identified many of these problems (see [Newstoday.co.za](http://Newstoday.co.za), 23/07/2009). Similarly, an internal ANC Task Team set up to probe the problems afflicting municipalities in the North West province identified the same problems. See also the debate between Tony Leon and Jeremy Cronin, Cronin vs. Leon: Service delivery protests, [News24.com](http://News24.com): 06/08/2009, for some explanations and perspectives on the causes of the protests.
- <sup>14</sup> [Media24.com](http://Media24.com), 06/08/2009, Cronin vs. Leon: Service delivery protests.
- <sup>15</sup> *Ibid.*
- <sup>16</sup> Steven Friedman, 29/07/2009, People are demanding public service, not service delivery.
- <sup>17</sup> *The Star*, 21/07/2009, Prisoners of politicians' promises.
- <sup>18</sup> *Ibid.*
- <sup>19</sup> See Derek Powell, What is wrong with local government delivery (October 2009).
- <sup>20</sup> See [TimesLive](http://TimesLive), 20/01/2009 ([www.timeslive.co.za/news/articles](http://www.timeslive.co.za/news/articles)). Also, see SABC News, 06/09/2009, ANC looks Internally for service delivery protest plotters.
- <sup>21</sup> [SABCNews.com](http://SABCNews.com), 12/07/2009.
- <sup>22</sup> Max De Preez, Wake up and smell the teargas, *City Press*, 18/10/09
- <sup>23</sup> See *Mail & Guardian Online*, 31/07/2009.
- <sup>24</sup> See *City Press*, 18/10/2009.
- <sup>25</sup> See Khehla Shubane, Winners and losers: Thoughts on South Africa's 4th elections and future prospects (CPS Policy Brief no. 61, August 2009).
- <sup>26</sup> See *Mail & Guardian*, 17/04/2009 (It is estimated that the ANC spent over R200 million during its 2009 election campaign which exceed the expenditure of all other political parties combined).
- <sup>27</sup> See Lise Rakner and Nicolas van de Walle, Democratization by elections: Opposition weakness In Africa, pp 109- 112, in *Journal of Democracy*, July 2009, vol. 20, no. 3.



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