

**Democratic consolidation, substantive
uncertainty and institutional certainty:
Prospects for the re-alignment of
opposition politics in South Africa**

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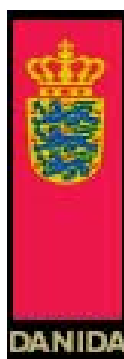
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Introduction

Single-party dominance is one of the most pronounced features of South African politics. Another is the coincidence between race and electoral outcomes, and the fact that the electoral share of opposition parties has been dwindling steadily since the 1994 general election. Some have argued that the weakness of opposition parties relative to the strength of the ruling ANC has resulted in what the literature refers to as low levels of 'substantive uncertainty'. Others have argued that the lack of substantive uncertainty, as one of the by-products of single-party dominance, may compromise 'institutional certainty' and thereby the democratic experience of the ordinary South African. But what has excited the popular imagination - and that of intellectuals - is the formation of the Congress of the People (COPE) by former leaders of the ANC. This Policy Brief seeks to interrogate the following:

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- Conceptual issues
- Different conceptions of opposition politics in South Africa
- The performance of major opposition political parties since 1994
- The possible impact of COPE on opposition politics and ANC support
- Prospects for coalitions
- Prospects for a re-alignment of opposition politics
- The possibility of shifts in society and their possible impact on opposition politics.

In assessing prospects for opposition parties, the paper focuses mainly on the coincidence between race and electoral outcomes, despite the recognition that the identity of the South African voter is more complex than the isolation of any single indicator would suggest.

Single-party dominance and democratic consolidation in South Africa

In South Africa debates about the depth and quality of the democratic experience are strongly linked to the belief that they are being compromised by single-party dominance and the weakness of opposition political parties at individual and collective levels. These debates tend to be embedded in an analytical framework which foregrounds the formal institutional terrain of party-political engagement and competition. Elections are seen either as the sole or most desirable means by which, in accordance with pre-determined rules, political power must be distributed. This, in turn, is embedded in the idea of compliance with constitutional imperatives and a particular conception of what constitutes 'democratic consolidation' for a developing country going through a transition from authoritarian rule to democracy. The constitutional imperative is understood, among other things, in terms of section 1(d) of the constitution according to which "Universal adult suffrage, a national common

voters roll, regular elections and a multi-party system of democratic government, to ensure accountability, responsiveness and openness,”¹ is one of the foundations on which the post-apartheid state rests. Some understand the constitutional imperative of a multi-party system to mean that such a system should have, as a consequence, the emergence of strong opposition parties and, therefore, a democratic order that delivers the alternation of power between political parties. For others, the dominance of one party and the resultant absence of alternation of power means that democracy cannot be consolidated. At best, this is a position that results from misconceptions about democracy or, at worst, is informed by value-laden ideological considerations. In other words, this conception of democratic consolidation precludes the possibility that factors other than the alternation of governing parties such as political culture may in the absence of, or together with, such alternation promote ‘accountability’ and ‘responsiveness’.

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In his writing about democratic consolidation, Przeworski² argues thus: “In a democracy, multiple political forces compete inside an institutional framework”, and contends that “Democracy is consolidated when under given political and economic conditions a particular system of institutions becomes the only game in town, when no one can imagine acting outside the democratic institutions ... [and] ... democracy is consolidated when compliance - acting within the institutional framework - constitutes the equilibrium of the decentralised strategies of all the relevant political forces.”³ This approach has the following implications:

- Political engagement is democratic only when it takes place within an institutional setting.
- Non-compliance occurs not only when party-political actors in the formal institutional setting break the rules of the institutional game, but also when political engagement happens outside a prescribed party-political institutional framework.
- The approach creates a dynamic of exclusion which disqualifies non-party-political actors and is, therefore, elitist to the extent that it limits conceptions of ‘democratic consolidation’ to the institutional rules agreed upon by the elites.
- It potentially criminalises the actions of political forces such as social movements.
- It ignores the possibility that the democratic experience of citizens can be enhanced through an interaction between institutional and non-institutional players in the political game.

¹ The Constitution of the Republic of South Africa, Act 108 of 1996.

² A. Przeworski, *Democracy and the market: Political and economic reforms in Eastern Europe and Latin America*, Cambridge University Press, Cambridge, 1991, p. 10.

³ Op cit, A. Przeworski, p.26.

- Perhaps the biggest weakness is that it excludes the non-formal and non-institutional terrain as a site of political opposition.

It is, however, possible that these arguments apply in general to the body of scholarship which reduces democratic consolidation to the alternation of governing parties but, in Przeworski's case, may or may not be going beyond the meaning he intends.

Lodge characterises democratic consolidation as it pertains to South Africa in the following terms: "One very demanding definition of democratic consolidation is that democracies only become mature when a ruling party in power at the democracy's inception is subsequently defeated in an election and allows the winners to take office." Lodge goes further and surmises that "Even if one allows that democracies can mature without such an alternation in office, in the South African case the objection might be that the formal institution of liberal democracy does not mean very much in a situation in which representative politics is overwhelmed by one large party and in which the prospect of any alternation of parties in government is rather remote. If that party is a nationalist movement that broadly represents a racial majority in a society which has a history of racial conflict and racial oppression, and if it represents the formerly oppressed group most closely, it might be argued that its supporters will be fairly uncritical or undemanding and that this leaves its leadership scope for plenty of misbehavior."⁴

In other words, the ANC did not achieve its dominant position by undermining institutional and electoral rules.

What Lodge is alluding to is the possible impact of single-party dominance. Others, especially supporters of opposition parties, have argued that the dominance of the ruling African National Congress (ANC) is akin to a one-party state. A few things are worth noting. Lodge seems to be conceding that the alternation of ruling parties should not be seen as the only indicator of the maturity of a democracy. The alternative, therefore, is to embrace mechanistic and deterministic conceptions of democratic consolidation. Also, it is possible that those opposition parties in South Africa that cry "one-party state!" at the slightest provocation are doing so less out of a concern for the possibly pernicious effects of single-party dominance on the democratic experience, and more out of frustration with their impotence. Furthermore, ours is a predominant, not hegemonic, party system. In other words, the ANC did not achieve its dominant position by undermining institutional and electoral rules. Single-party dominance in this country is, therefore, a product of the democratic will of the majority.

While one of the dominant features of South Africa's political landscape is the coincidence between race and electoral outcomes, one must not forget the fact that South Africa's demographics are an objective factor beyond the control of

⁴ T. Lodge, *Politics in South Africa (From Mandela to Mbeki)*, David Phillip, Kenilworth, Cape Town, 2002, p. 154.

the ANC and other political parties. It is important to note also that the coincidence between race and voting patterns benefits both the ANC and the Democratic Alliance (DA). Notwithstanding the fact that race dynamics are, to some extent an objective reality, it is not unreasonable to surmise that both the DA and the ANC have not always shied away from exploiting the relationship between race and voting patterns, as instanced by the number of times DA leaders are accused of racism by the ANC and the 'Fight Back' campaign of 1999 which delivered conservative white voters to the Democratic Party (DP), the precursor to the DA.

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Furthermore, the coincidence between race and election results is configured differently in the Western Cape. Electoral contests in the Western Cape and KwaZulu-Natal do not necessarily reflect the coincidence between race and voting patterns in ways that are similar to these patterns elsewhere in the country. In the Western Cape, it is the so-called Coloureds and not the Africans who are the majority of electors. In this province, the ANC cannot rely on the African vote because the inter-racial and intra-racial dynamics of that province militate against reliance on an African majority for electoral success. It is for this reason that the ANC has never won an absolute majority of votes in the Western Cape and will not do so again in the 2009 elections.⁵ In KwaZulu-Natal the African vote has not gravitated towards the ANC as it does elsewhere in the country. The African vote in this province is split significantly between the ANC and Inkatha Freedom Party (IFP).⁶ The single-party dominance of the ANC is, therefore, a national phenomenon that is not mirrored in all of the nine provincial electoral contests.

Single-party dominance, opposition parties as agencies of restraint, substantive uncertainty and prospects for the opposition

While it is not necessarily the case that single-party dominance or a predominant party system signifies a democracy whose prospects for maturity and consolidation are less than poor, the negative impact of such dominance should not be completely factored out of the democratic equation. In the case of South Africa, there are signs that the dominance of the ANC may not always be healthy for democracy. The following are but a few of such signs:

- The ANC is not prepared to countenance reforms to our electoral system because the current Proportional Representation (PR) system is one of the tools through which its dominance is maintained. This electoral system is partly

⁵ The ANC won about 33%, 42% and 45% of the vote in 1994, 1999 and 2004. The only party that has ever won an absolute majority was the New National Party in 1994.

⁶ In the 1994, 1999 and 2004 provincial elections, the ANC won 32,23%, 39,38% and 46,98% of the vote, while the IFP won 50,32%, 41,90% and 36,82%. These results can in part be explained in terms of significant African support for each party.

responsible for the social distance between Parliamentary representatives and citizens.

- The Parliamentary oversight function is undermined by the fact that Parliamentarians are loyal more to party bosses than to the electorate.
- Citizens who participate in public participation processes in Parliament are treated like flower girls at a wedding.
- The ANC uses its majority to push through unpopular legislation and Parliamentary decisions.
- The ANC has used its majority to block further investigations of the arms deal.

Some see the solution in terms of what they call a 'strong opposition'. To them, the problem is that of weak opposition parties and, therefore, their failure to play the role of 'agencies of restraint'. In other words, democratic consolidation depends, in part, on opposition parties that are strong enough to perform the tasks of agencies of restraint. Their strength must have an impact on single-party dominance that is equivalent to a restraining order from a court of law. According to Raymond Suttner, the proponents of this approach are of the view that, "the opposition [must] be of sufficient strength to be able to expose what a corrupt government may wish to hide, and have the power to prevent the conflation of political organisation/party and state, and similar abuses."⁷ Suttner rejects this idea because he sees it as an extension of the 'alternation of parties' thesis on democratic consolidation. He argues that, "This requirement has no scientific basis as a test for democratic consolidation for it may be that some of the constitutional mechanisms in place currently provide a far sounder basis for monitoring abuse and ensuring accountable government than an opposition with some potential to become ruling party."⁸ He further argues that, "for consolidation, the rules of the game by which everyone abides must be established. This means trust in these institutions, and it appears that the current political order is providing a basis for trust in these institutions to develop. This is manifested in an important way in the willingness of the government to abide by decisions of the court, even where these have been very inconvenient."⁹ Two things are worth noting in this regard: first, 'trust in these institutions' and a strong opposition are not mutually exclusive, and second, it is the willingness of the ruling party to accept court decisions that have come under question.

The corruption case of ANC president, Jacob Zuma, and the manner in which both his supporters and the ruling party are perceived to be threats to the rule of law and the independence of democratic institutions, such as the National Prosecuting Authority (NPA) and the judiciary, have caused alarm in some

Some see the solution in terms of what they call a 'strong opposition'.

⁷ R. Suttner, *Liberation movements, democratic transition and consolidation in South Africa: Advice from the experts in Southern Africa Post-Apartheid?: The Search for Democratic Governance*, C. Landsberg and S. Mackay (eds), IDASA, Cape Town, 2004, p. 114.

⁸ *ibid.*

⁹ *ibid.*

sections of South African society. The fact that the ANC has fielded a person (Zuma) who was facing criminal charges¹⁰ as its presidential candidate is explained in terms of single-party dominance and the weakness of opposition parties and, therefore, their failure to be agencies of restraint. Perhaps the answer lies in both the development of trust in democratic institutions and an increase in what is called 'substantive uncertainty'.

According to Adam Habib, "The essence of democracy is political uncertainty, and it takes two distinct forms: institutional and substantive. Institutional uncertainty - the uncertainty about the rules of the game - implies the vulnerability of the democratic system to anti-democratic forces. Substantive uncertainty - the uncertainty of the outcomes of the game - is about the perceptions of ruling political elites in a democratic system on whether they will be returned to office."¹¹ Obviously, institutional uncertainty is unhealthy, and a healthy dose of substantive uncertainty is good for democracy. Put differently, it is through requisite levels of substantive uncertainty that institutional certainty can be ensured and the democratic experience of ordinary citizens enhanced. However, single-party dominance makes this a difficult goal to achieve. In the current conjuncture, the Zuma corruption matter, and how it relates to arms deal corruption allegations, has produced perceptions on the part of some South Africans that state institutions were manipulated because the Zuma matter was prosecuted in a manner that sought to advance or undermine certain factional agendas in internal ruling party political battles. The fact that Zuma seems to have relied on information collected by state intelligence agencies when he made his representations to the NPA¹², has raised questions not only about the integrity of state institutions but also about the extent to which state capacity may be compromised. This is a concern that relates to the possibility that the capacity of the post-apartheid state to deliver services to citizens may itself be undermined.

If levels of substantive uncertainty were high enough, it is possible that the ruling party would have handled the Zuma crisis in a manner that is much more sensitive to the possibility of an electoral defeat. But in an electoral context in which the collective share of opposition parties has been dwindling with each successive election¹³, hopes for substantive uncertainty seem to be receding. On the other hand, the formation of the Congress of the People (COPE) - a political party that was formed by former leaders of the ruling party - seems to be rekindling the hope amongst some for the emergence of a credible alternative

Put differently, it is through requisite levels of substantive uncertainty that institutional certainty can be ensured and the democratic experience of ordinary citizens enhanced

¹⁰ On 6 April 2009, the NPA announced that it was dropping charges against Jacob Zuma following representations made by Zuma to the effect that Leonard McCarthy - the former head of the Directorate of Special Operations - had colluded with outsiders in an attempt to time the charges in a way that would impact on the outcome of the 2007 Polokwane conference of the ANC.

¹¹ A. Habib, *The Politics of Economic Policy-making: Substantive Uncertainty, Political Leverage, and Human Development*, p. 4.

¹² Pearlie Joubert and Adriaan Basson, "The spy who saved Zuma," *Mail and Guardian* April 9 to 16, 2009 Col 5 No14.

¹³ In the 1994 general election, opposition parties collectively won 37% of the vote, 34% in 1999 and 30% in 2004. See, www.elections.org.za.

to the ANC. In 2002 Lodge argued that, "A split in the ANC would, of course, transform the political landscape, but this is not a serious prospect in the foreseeable future, notwithstanding the disagreements between the government and the ANC's left-wing allies."¹⁴ The following flows out of this contention:

- Prospects for the enhancement of substantive uncertainty would improve only as a result of an ANC split.
- The split would be engineered and led by the Congress of South African Trade Unions and the South African Communist Party.
- A split would have to be qualitatively significant for it to result in the emergence of a credible alternative to the ANC.

The split and the formation of COPE caught many by surprise but was not configured along ideological lines

The split and the formation of COPE caught many by surprise but was not configured along ideological lines. Many welcomed the formation of COPE for the following reasons:

- It was argued that COPE would be good for democracy.
- It was argued that COPE is the first real threat to the electoral dominance of the ANC.

Is this true?

- If what is required is a proliferation of opposition political parties, then the formation of COPE is good for democracy.
- If what is required are political parties that will impact substantively on the democratic experience of citizens, then it is too early to tell whether COPE is such a party.
- It is possible that some of the white people who welcomed the formation of COPE - who may or may not vote for COPE - did so for the same reasons the DP succeeded in dislodging the New National Party (NNP) as the official opposition in 1999. There is an extent to which the vote for the DP may have been a vote against the ANC as a symbol or an embodiment of a post-apartheid order they did not support. The 'Fight Back' campaign of the DP in 1999 may have succeeded in galvanising the protest vote against the post-apartheid political order. COPE, perceived as a potential threat to the ANC, may benefit from the residual feelings of the 'Fight Back' campaign.

¹⁴ Op cit, T. Lodge, p. 155.

What are the prospects for COPE, other opposition political parties and the re-alignment of opposition politics?

COPE

COPE is definitely not going to dislodge the ANC as the ruling party in this year's election. Given the fact that the party was only launched in December 2008, it has not had enough time to build an organisational infrastructure and election machinery. Furthermore, its insistence on fighting the ANC for the same historical, ideological and policy spaces may work to the advantage of the ruling party because it takes away from the task of building an independent identity. This is like Pepsi trying to be the best Coca-cola instead of being the best cola in the world. Also, its capacity to attract voters may be undermined by perceptions of leadership tensions and the belief that former president, Thabo Mbeki, is its 'Dalai Lama'. COPE leaders will do well to remember that the political choices of voters are shaped by both the truth and lies.

The bigger smaller parties, such as the IFP, UDM, African Christian Democratic Party and the Independent Democrats (ID) will most probably feel the pressure from COPE and trend downwards in the race for National Assembly seats

Another complication is the possibility that the appointment of Bishop Mvume Dandala as the COPE presidential candidate may have sent the unintended message of a vote of no confidence against its president, Musiuoa Lekota, and may also have created the impression that - in the minds of its leadership - COPE is, on its own, not a persuasive argument. Chances, therefore, are that COPE will shrink the support base of the DA and smaller opposition parties, but will most probably not get enough votes to displace the DA as the official opposition, despite the very strong possibility that the bulk of its support will come from new voters and those who were part of the ANC's support base. The bigger smaller parties, such as the IFP, UDM, African Christian Democratic Party and the Independent Democrats (ID) will most probably feel the pressure from COPE and trend downwards in the race for National Assembly seats.

Democratic Alliance

The DA received 12,37 per cent¹⁵ of the National Assembly vote in the 2004 general election. As was argued earlier, the DA and the ANC are two sides of the same coin to the extent that both parties are the main beneficiaries of the coincidence between race and electoral outcomes. The only room for growth available to the DA depends on its capacity to attract a significant number of black voters, since it may have reached the ceiling with regard to white voters. Whatever the objective facts are about the racial orientation of the DA, the party will still be faced with the challenge of proving to black voters that it has transcended race. Another challenge - one that faces both the DA and COPE - is how the ANC has become adept at using historical memory as a political

¹⁵ See www.elections.org.za.

weapon. Both parties will be projected as entities that did not make a contribution to the liberation struggle. The argument against the DA is that it operated within apartheid structures, and COPE is in violation of the ideals, values and traditions which shaped the liberation movement. Unfortunately, policy issues are a blunt weapon in relation to assessments of the performance of opposition parties, since it is difficult to differentiate between the policy positions and priorities of the major political parties across the spectrum, and the race-voting patterns dynamic will probably remain a dominant feature in the foreseeable future. In other words, political parties that are likely to challenge the ANC's dominance are those who will succeed in breaking the coincidence between race and election results. This is not to suggest that policy issues do not matter to South African voters. It seems that the manner in which the policy positions of different political parties are mediated by voters is subsumed in race dynamics. It is possible that race dynamics determine the perceptions of many voters with regard to how, at ground level, policy positions may be translated into government policy and how government policy may shape patterns of resource allocation.

In other words, political parties that are likely to challenge the ANC's dominance are those who will succeed in breaking the coincidence between race and election results.

The ANC

There is no doubt that the fact that Jacob Zuma was facing criminal charges, the recall of Thabo Mbeki as Head of State, and perceptions that the ANC has, after Polokwane, become a threat to democratic institutions such as the judiciary, have caused damage to the ANC from which COPE will probably benefit the most. However, it is highly unlikely that the damage has extended significantly to the support base of the ANC. It is unlikely, therefore, that the ANC will fall too far below the Madiba level of 1994.¹⁶ If it does, the 2009 election will be seen as having been a referendum about Zuma.

What then are the prospects for the re-alignment of opposition politics?

- If opposition parties continue to go it alone, the prospects for re-alignment are slim. But generational and other shifts in South African society as apartheid becomes a distant memory, with the ANC underperforming in relation to delivering on the promise of 'a better life for all', may occur to the advantage of COPE. In this scenario COPE may displace the DA as the official opposition. This may either shut minorities out of democratic and electoral processes or COPE may become the first truly non-racial party to win the status of official opposition. If COPE fails, the chances of opposition parties may be damaged by a retreat from electoral involvement by a sizeable portion of the electorate rendered despondent by what seems to be the invincibility of the ANC on the part of some voters, and the absence of a credible alternative for others. In this scenario, prospects for re-alignment may arise only from another ANC split. But we cannot preclude the possibility that relations within the ANC-Cosatu-SACP

¹⁶ The ANC won 62,65% of the national vote in 1994. See, www.elections.org.za.

alliance may change in a manner that causes the re-alignment of opposition forces to the left of the ANC.

- Real prospects lie in the formation of an opposition party whose core is the amalgamation of COPE, the DA, UDM and the ID. Such a merger would, in part, rely on the capacity of the DA and the ID to attract the votes of minorities and that of COPE and the UDM to attract African voters.
- Otherwise, opposition parties may have to wait for the day when the collective of their minority votes is enough to form a majority against the ANC at national level and in certain provinces. In this regard, the coalition government of the NNP and the DP that was formed after the 1999 elections in the Western Cape is a case in point. The NNP and the DP were able to form a coalition government despite the fact that the ANC had won a 42% majority.

At the end of the day, these considerations must be about enhancing levels of substantive uncertainty in a manner that accommodates the interaction between the formal party-political institutional space and the non-formal and non-institutional political space. In the words of Suttner, "Whether democracy is consolidated depends on the extension and deepening of democracy, the involvement of people in politics both during and between elections, the viability of participatory democracy and the existence of autonomous organisations of civil society - organs of direct democracy. They may relate to the state or simply be organs of self-empowerment in relation to issues that matter to people, organised in street committees and similar structures."¹⁷

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CONCLUSION

South Africa - to borrow a cliché - is at a crossroads. There exists in the political environment a 'perfect storm' of unpredictable variables. Therefore, the continued entrenchment of institutional certainty depends on the enhancement of substantive uncertainty which, in turn, should lead to the deepening of the quality of the democratic experience. All of this must be embedded in an understanding of democratic consolidation that transcends the mechanistic and the deterministic by extending the boundaries of political engagement beyond formal institutions.

¹⁷ Op cit, R. Suttner, p. 115.