

VICTORIA GRAHAM

Pass or Fail? Assessing the Quality of Democracy in South Africa



15

Stephen P. Koff Prize 2014

**REGIONAL INTEGRATION
AND SOCIAL COHESION**

P.I.E. Peter Lang

In recent years, growing concerns over the strength of South Africa's democracy appear to indicate a population increasingly disillusioned and dissatisfied with the quality of its implementation. This book assesses the quality of democracy in South Africa after 20 years of democracy in order to ascertain whether or not this growing perception is valid. Since the inception of democracy in 1994 there have been countless procedural and substantive improvements in addressing historically entrenched political, social and economic problems; however there are serious issues that have emerged relating to the quality of democratic implementation in South Africa. Two existing analytical frameworks of democracy assessment, International IDEA's State of Democracy framework and Leonardo Morlino's tool for empirical research on democratic qualities, TODEM, are utilised to assess the quality of South Africa's rule of law and institutional capacity; representative and accountable government; civil society and popular participation; and freedom and equality after 20 years of democracy. The book concludes cautiously that while South Africa faces many serious and threatening potholes in the road to a fully successful democracy, there is nevertheless much to applaud.

Victoria Graham is a senior lecturer in International Studies at Monash South Africa and senior research associate in the Department of Politics and International Relations at the University of Johannesburg. In 2013 she completed her PhD on the quality of democracy in South Africa and has since worked on several democracy-related projects including voting behaviour and populism in Africa.

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Bruxelles · Bern · Berlin · Frankfurt am Main · New York · Oxford · Wien

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List of Abbreviations

ACDP	African Christian Democratic Party
AMB	African Media Barometer
ANC	African National Congress
ANCYL	African National Congress Youth League
APRM	African Peer Review Mechanism
ARV	Anti-retroviral
ATM	Automatic teller machine
AU	African Union
BBC	British Broadcasting Corporation
BCEA	Basic Conditions of Employment Act
BEE	Black Economic Empowerment
CBOs	Community based organisations
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CDE	Centre for Development and Enterprise
CDWs	Community development workers
CGE	Commission for Gender Equality
CIS	Crime Intelligence Service
COPE	Congress of the People
COSATU	Congress of South African Trade Unions
CPPRCRLC	Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities
CSG	Child Support Grant
CSVR	Centre for the Study of Violence and Reconciliation
CSPRI	Civil Society Prison Reform Initiative
DA	Democratic Alliance
DOJCD	Department of Justice and Constitutional Development
EEA	Employment Equity Act
ECF	Electoral Commissions Forum
EFF	Economic Freedom Fighters

EISA	Electoral Institute for Sustainable Democracy in Africa
EMB	electoral management body
EMN	Election Monitoring Network
FES	Friedrich-Ebert-Stiftung
FET	Further education and training
FXI	Freedom of Expression Institute
GBH	Grievous bodily harm
GGBF	Greater Gauteng Business Forum
GII	Gender Inequality Index
HDA	Housing Development Agency
HDI	Human Development Index
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome
HSRC	Human Sciences Research Council
IDASA	Institute for Democracy in Africa
IDEA	International Institute for Democracy and Electoral Assistance
ICASA	Independent Communications Authority of South Africa
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
ICD	Independent Complaints Directorate
ICT	Information communication technology
ID	Independent Democrats
IDP	Integrated Development Planning
IEC	Independent Electoral Commission
IFP	Inkatha Freedom Party
IPID	Independent Police Investigative Directorate
ISDs	Institutions Supporting Democracy
ISS	Institute for Security Studies
JICS	Judicial Inspectorate of Correctional Services
JMPD	Johannesburg Metro Police Department
JSCA	Judicial Service Commission Amendment
JSC	Judicial Service Commission
LASA	Legal Aid South Africa

LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersex
LSM	Living Standards Measure
MDDA	Media Development and Diversity Agency
MP	Member of Parliament
MPLCs	Multiparty Liaison Committees
MMP	Media Monitoring Project
MMA	Media Monitoring Africa
MISA	Media Institute of Southern Africa
NACF	National Anti-Corruption Forum
NACH	National Anti-Corruption Hotline
NEC	National Executive Committee
NEHAWU	National Education Health and Allied Workers' Union
NEPAD	New Partnership for Africa's Development
NHI	National health insurance
NGO	Non-governmental organisation
NICRO	National Institute for Crime Prevention and the Reintegration of Offenders
NPA	National Prosecuting Authority
NPOs	Non-Profit Organisations
OAU	Organisation of African Unity
OBE	Outcomes-based education
OECD	Organisation for Economic Co-operation and Development
Outa	Opposition to Urban Tolling Alliance
OPCAT	Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
PAC	Pan African Congress
PAJA	Promotion of Administrative Justice Act
PAIA	Promotion of Access to Information Act
PBO	Parliamentary Budget Office
PEPUDA	Promotion of Equality and Prevention of Unfair Discrimination Act
PanSALB	Pan-South African Language Board
PEMMO	Principles for Election Management, Monitoring, and Observation

PSC	Public Service Commission
RICA	Regulation of Interception of Communications and Communication-Related Information Act
SAARF	South African Advertising Research Foundation
SABC	South African Broadcasting Corporation
SACMEQ	Southern Africa Consortium for Monitoring Educational Quality
SACP	South African Communist Party
SADC	Southern African Development Community
SAHRC	South African Human Rights Commission
SAIRR	South African Institute of Race Relations
SAPS	South African Police Service
SANGONeT	Southern African NGO Network
Sanef	South African National Editor's Forum
SASAS	South African Social Attitudes Surveys
SASSA	South African Social Security Agency
SCOPA	Standing Committee on Public Accounts
SIU	Special Investigating Unit
SoD	State of Democracy
SOS	Support Public Broadcasting Coalition
TAC	Treatment Action Campaign
TB	Tuberculosis
TODEM	Tool for empirical research on democratic qualities
UIF	Unemployment Insurance Fund
UK	United Kingdom
US	United States
UN	United Nations
UNCAT	United Nations Convention against Torture and other Cruel, Inhuman, and Degrading Treatment or Punishment
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organisation
VAP	Voting age population
WHO	World Health Organisation
WSSD	World Summit on Sustainable Development

Foreword

Harlan KOFF¹ & Carmen MAGANDA²

The Consortium for Comparative Research on Regional Integration and Social Cohesion (RISC) is proud to present Dr. Victoria Graham with the 2013-2014 Stephen P. Koff prize for the outstanding doctoral dissertation on social cohesion. This award, which has been privately donated by Dr. Koff's family, honours a man whose intellectual acumen and human caring touched the lives of many.

Dr. Koff received his degrees in political science from Indiana University (B.A.) and Columbia University (M.A. and Ph.D.). He taught briefly at Brooklyn and Hunter Colleges before moving to Syracuse University in 1957. Committed to the development of Syracuse's academic community, Dr. Koff remained there his entire academic career which spanned four decades. During this time, he contributed to the development of the Maxwell School of Citizenship, with a special commitment to its international programs. Dr. Koff founded Syracuse University's academic centre in Florence, Italy. He was also President of the New York State Political Science Association, President of the Northeastern Political Science Association, and a member of the Board of the Experiment in International Living. In addition to his academic work, Dr. Koff was committed to community-building and the voluntary sector. An expert in Italian Politics, Dr. Koff often collaborated with NGOs active in Peace Movements, Anti-Mafia, and International Education, just to name a few of his many activities. For his commitment to US-Italy exchanges and his academic work on Italian politics, Dr. Koff was named Knight in the Order of Merit by the Italian government.

Dr. Koff's intellectual curiosity brought him to work in many domains. In addition to Italian politics, he conducted research on European integration, comparative political parties and party systems, Canadian politics, local politics and the concept of leadership. His interest in people and communities also created an avid interest in political culture.

¹ Professor of Social Sciences, IPSE Research Unit, University of Luxembourg and President of the RISC Consortium.

² Associate Professor, Department of Environment and Sustainability, INECOL, Mexico and Executive Director of the RISC Consortium.

The field of leadership is where Dr. Koff's presence was most significantly felt. Like other scholars, he often asked "what qualities do good leaders possess?" The answers to this question were found in his behaviour. Dr. Koff's intellectual curiosity and his ability to transmit his knowledge made him a very effective educator throughout his career. His commitment to social justice and his appreciation for, and loyalty to people with whom he interacted on a daily basis made his presence felt wherever he went.

The Stephen P. Koff Prize, which is selected by an independent committee of scholars from the RISC Consortium, aims to recognize a Ph.D. dissertation which makes a significant contribution to the examination of social cohesion-related issues and reflects Dr. Koff's leadership vision. Dr. Victoria Graham's manuscript, entitled *Twenty Years of South African Democracy: Assessing the Quality* does just that. Like "Leadership," the concept of "Democracy" is considered to be a fundamental characteristic of good governance. At the same time, we are still attempting to understand what we expect from "good democracies" beyond fair and free elections.

Dr. Graham's groundbreaking book opens a black box concerning the evolution of democracy in South Africa since the end of apartheid. While numerous volumes have been dedicated to specific aspects of South Africa's contemporary political system, such as party politics, public attitudes, corruption, impacts of race, migration, violence, etc. systemic analysis of these phenomena within the framework of the country's political transition has been lacking. Dr. Graham's analysis sheds light not only on the evolution of democracy in South Africa, but it critically discusses the relationships between these specific characteristics of the South African political system by employing the "quality of democracy" analytical framework.

The "Quality of Democracy" concept was first proposed by Larry Diamond and Leonardo Morlino (*Assessing the Quality of Democracy* (2005) Baltimore: The Johns Hopkins Press). The authors correctly acknowledged the conceptual and cultural difficulties that accompany attempts to formulate universal definitions of "good democracy." Nonetheless, the work is seminal because it identifies eight characteristics of democratic systems to be used to evaluate the quality of democracy (freedom, rule of law, vertical accountability, horizontal accountability, responsiveness, equality, participation and competition) and articulates the relationships between these different dimensions. Since the publication of the book, authors from all world regions have adopted this framework and utilized it both quantitatively and qualitatively to guide empirical research on specific cases.

Dr. Graham's book is innovative because it does not only implement this research framework but the author conceptually appropriates it and presents her own interpretation. For example, rather than focusing on universal analysis of democracy, the book begins by discussing the value of democracy to Africans. This is a vital starting point for any research on specific world regions as the meaning of concepts change depending on contexts. The author recognizes that a disconnect exists between indicators of democratic performance and perceptions of democracies amongst citizens. She writes, "It is apparent that the above-mentioned trends of democratisation and commitment to good governance have brought with them a profusion of ambiguous situations whereby many African countries have consistently professed democratic intentions but in reality occupy the grey zone between democracy and non-democracy" (pp. 4-5).

The recognition of this "grey zone" is in fact, what makes the book so interesting. Dr. Graham explains that many South Africans are disenchanted by their national political system. She openly asks whether this represents healthy questioning of political elites by citizens or whether this is an indicator of disillusioned people who are withdrawing from formal participation in democratic structures. This is a key question not only for South Africa, but for other emerging states, such as Mexico, Indonesia, India, etc. in the world today. In these countries, the fast pace of economic transformations has not necessarily been accompanied by political transformation that moves at the same speed. This disarticulation between the developments in political, economic and social spheres has created or at least contributed to important social divisions and growing marginalization in many places.

Dr. Graham's book is presented as an audit of democracy in South Africa with the aim of contributing to our understanding of the deepening of democracy in the country. This framework is timely and important because despite political rhetoric that suggests that democratization leads to equitable sustainable development, there is no proof of this relationship. Democracy can actually reinforce social divisions because of overlaps between political and economic exclusion. For this reason, only deeply rooted democracies that accompany formal liberties with citizen participation, accountability, transparency, and strong intermediate organizations that link citizens to governmental institutions and leaders can adequately address growing societal divisions that are resulting from unprecedented economic growth in emerging states like South Africa. Consequently, this book is also relevant to studies of democratization beyond South Africa and the African continent. It is excellent scholarship and it reflects the values on which the RISC Consortium was founded as well as those of Dr. Koff whose memory is being honoured by this prize. For these reasons, the RISC Consortium is proud to publish this study and we are grateful to Dr. Graham for this insightful contribution.

CHAPTER ONE

Introduction

“Defining democracy is a bit like interpreting the Talmud (or any religious text)... you are likely to get at least eleven different answers.”
(Diamond, 2008: 21)

1.1. Introduction and Background

The 1994 South African elections officially marked an end to the country’s exclusionary and racist past and ushered in a democracy, delivering not only the universal franchise but also “formal equality before the law, avenues for citizen participation in governance and statutory institutions buttressing democracy” (Muthien, Khosa and Magubane, 2000: 1). South Africa was praised too for its adoption, in 1996, of one of the most liberal and comprehensive constitutions in the world. It contains a wide array of political rights (where among others, it is explicit in its accommodation of the cultural claims of minorities) and socio-economic rights (including the pledge to improve the quality of life of all citizens through access to housing, healthcare, food, water, social security, and education), a range of independent watchdog agencies and commissions intended to support democracy, and an activist Constitutional Court.

Since its democratic transition, it cannot be denied that South Africa has achieved much in rebuilding the state in a more democratic way (for example, five consecutive free and fair elections). Given its history of polarisation and racism, violent political conflict, and extreme antidemocratic tendencies, it would seem that 21 years on the country’s democratic performance has thus far surpassed expectations.

Yet, worrying problems that have existed since 1994 but have begun spiralling out of control in recent years are threatening this apparently successful democratic progress. Increasingly, reports of incidents of violent crime threatening the security of the individual; corruption in public and corporate life, so-called political favouritism where government members are seen to be above the law; intense xenophobic violence directed against immigrants and migrants; oft-bemoaned dysfunctional service delivery and increased striking activity; the crisis of power and leadership in the African National Congress (ANC) in 2008; the widening

of the gap between black elites and poor blacks;¹ a resurgent racialisation in society; the lack of real progress on land reform and redistribution; Marikana; Nkandla; the rollout of the Gauteng e-toll; and concerns over continued ANC party dominance and perceived threats to the Constitution have led to a growing perception that South Africa's quality of democracy is wavering. This concern has been noted in scholarly contributions (see, for example, Butler, 2000: 189-205; Mattes, 2002: 22-36; Friedman, 2004: 235; Cuthbertson, 2008: 293-304; Gumede, 2008: 262; Jeeves and Cuthbertson, 2008: 23; Kagwanja, 2008: xvi; Webb, 2009: 7; and Reddy, 2010: 185-206) and widely expressed in the print media.² Given the extent of these concerns, noted above, the assessment of the quality of South Africa's democracy is an essential step in evaluating how far this young democracy has progressed (or not).

This growing consternation is significant in two ways. Either it is a sign of members of the public exercising their right to question those that govern them and is therefore a healthy expression of active citizenship, or it is indicative of a population increasingly disillusioned and dissatisfied, in which case, it is concerning especially in terms of political legitimacy in South Africa. This book, therefore, questions whether or not this evident dissatisfaction is justified through an assessment or audit³ of South Africa's *quality* of democracy taking into consideration events from 1999 up until early 2015.

1.2. A brief background of the value of democracy to Africans

The third wave of democratisation beginning in the mid-1970s and reinvigorated by the end of the Cold War in 1989 has resulted in democracy emerging as the only really internationally acceptable political regime (Faundez, 2005: 615). Since its appearance on the global agenda, 'democratisation' has found particular importance on the African continent. Towards the end of the 1980s and beginning of

¹ Moreover, underlying the majority of these issues is the poverty still experienced by large sectors of society. The result is a number of broken communities which are unable to participate fully in the democratic process, and are therefore "indifferent to its principles and prospects and uncommitted to maintaining or strengthening it" (Jeeves and Cuthbertson, 2008: 23).

² See, for example, *The Star*, 22 November 2006; *City Press*, 4 February 2007; *Pretoria News*, 22 December 2008; *Mail & Guardian*, 31 July to 6 August 2009; *Sowetan*, 29 December 2009; *The Economist*, 5 June 2010; *The Citizen*, 5 October 2010; *The Star*, 31 March 2011; *Mail & Guardian*, 15 to 20 April 2011; *Mail & Guardian*, 29 July to 4 August 2011; *Business Day*, 8 May 2012; and *Sowetan*, 10 May 2012.

³ For the purpose of this thesis the terms 'study' and 'audit' will be used interchangeably throughout.

the 1990s and after, Africans witnessed several democratic changes. These included: the popular rejection of military rule in Nigeria; the end of apartheid in South Africa; the downfall of Samuel Doe in Liberia and Mathieu Kérékou in Benin; the gains for pluralism and multi-partyism in Niger, Cameroon, Zambia, Algeria, Gabon, Côte d'Ivoire, Guinea, Zaire, Mozambique, Angola; growing pressures for democratisation in Somalia, Sudan, Togo, Sierra Leone, and Ethiopia, and increasing demands for improving democracy in Ghana, Kenya and Zimbabwe (see, for example, Ake, 1991: 33; O'Neill, 1993: 213-218; Bratton and Van de Walle, 1997; Monga, 1997: 156-170; Branch and Cheeseman, 2009: 1-26; and Lynch and Crawford, 2011: 275-310).

Indications of the growing weight and value afforded to democracy by African states became apparent in the early 2000s with the flurry of declarations on democracy signed and conventions attended:

- In the Lomé Declaration (July 2000), the then Organisation of African Unity (OAU) affirmed that “development, democracy, respect for fundamental freedoms and human rights, good governance, tolerance, [and] a culture of peace are essential prerequisites for the establishment and maintenance of peace, security and stability” and reiterated its commitment to the continued promotion of these characteristics in Africa (Lomé Declaration, 2001);
- In 2000 the OAU also signed the Declaration on the Framework for an OAU Response to Unconstitutional Changes of Government (2000), in which it condemned the resurgence of *coups d'états* in Africa and agreed to a set of nine⁴ principles that would serve as a guideline for common values and principles of democratic governance in member countries in future;
- In 2002 African governments affirmed their commitment to the promotion of democracy and good political governance through the adoption of the Declaration on Democracy, Political, Economic and Corporate Governance (2002);
- In 2002, the African Peer Review Mechanism (APRM) was established to monitor these same abovementioned commitments (Kanbur, 2004). As of early 2012, 33 member states of the African Union (AU – which replaced the OAU in 2000) had acceded to

⁴ The OAU list of nine democratic principles includes: the importance of separation of powers and independence of the judiciary; promotion of political pluralism or any other form of participatory democracy and the role of the African civil society; organisation of free and regular elections, and constitutional recognition of fundamental rights and freedoms in conformity with the Universal Declaration of Human Rights of 1948 and the African Charter on Human and Peoples' Rights of 1981 (Declaration on the Framework for an OAU Response to Unconstitutional Changes of Government, 2000).

the APRM (APR Forum, 2012). Article 3(g) of the Constitutive Act of the AU states that among its many objectives, the AU shall “promote democratic principles and institutions, popular participation and good governance” (AU, 2002a). Moreover, the AU lists respect for democratic principles, human rights, the rule of law and good governance among its principles in Article 4;

- In July 2002, during its 38th Ordinary Session of the Assembly of Heads of State and Government held in Durban, South Africa, the AU adopted the Declaration on the Principles Governing Democratic Elections in Africa. This declaration laid the groundwork for continental and regional efforts towards “acceptable, credible and legitimate elections conducted on the basis of a level playing field and with minimum incidence of violence” (Africa Democracy Forum, 2005);
- At its Mauritian summit in August 2004, the Southern African Development Community (SADC) adopted Principles and Guidelines Governing Democratic Elections based on, among other policies, the AU Declaration on the Principles Governing Democratic Elections in Africa – AHG/DECL.1 (XXXVIII) and the AU Guidelines for African Union Electoral Observation and Monitoring Missions – EX/CL/35 (III) Annex II (SADC, 2011); and
- The African Charter on Democracy, Elections and Governance was adopted in January 30, 2007 in Addis Ababa. By early 2012, 15 AU member states had ratified it,⁵ thereby committing themselves to, *inter alia*: “establishing and strengthening independent and impartial national electoral bodies responsible for the management of elections” and ensuring “that there is a binding code of conduct before, during and after the election period” (IDASA, 2012).

Even as leading African statesmen were and still are increasingly emphasising the importance of Africa’s commitment to good governance⁶ and democracy (foremost among them former South African President Thabo Mbeki), it is becoming equally urgent to consider the viability of sustainable democracy in Africa (Southall, 2003: 121). It is apparent that

⁵ These are: Mauritania; Ethiopia; Sierra Leone; Burkina Faso; Lesotho; Rwanda; Ghana; South Africa; Zambia; Guinea; Chad; Niger; Guinea-Bissau; Nigeria; and Cameroon.

⁶ Despite being inextricably linked to each other, the concepts of ‘democracy’ and ‘good governance’ should not be seen as equivalent terms, since each has important exclusive characteristics as well as shared elements. Indeed ‘democratisation’ is often classed as a component of good governance (Landman and Häusermann, 2003: 3; Tommasoli, 2006).

the above-mentioned trends of democratisation and commitment to good governance have brought with them a profusion of ambiguous situations whereby many African countries have consistently professed democratic intentions but in reality occupy the grey zone between democracy and non-democracy (see Zakaria, 1997: 22; Joseph, 1997: 363-382; Adejumbi, 2000: 59-73; Carothers, 2002: 9; 18). These so-called 'hybrid' regimes have also been referred to as 'semi-authoritarianisms' (Ottaway, 2003); 'defective democracies' (Merkel, 2004) and 'mixed regimes' (Bunce and Wolchik, 2008).

Despite their classification as electoral democracies, the quality of governance in many of these hybrid regimes, for example Togo, Cameroon, and Burkina Faso, is actually quite poor.⁷ In Kenya, Nigeria, Somalia and Burundi, for example, issues of electoral irregularity, ethno-religious tension and violence and economic pressures have plagued the governments and generated general dissatisfaction among the citizenry. One of Africa's keenest observers, Michael Chege, surveyed the wave of democratisation in the 1980s and 1990s and drew the lesson that the continent had "overemphasised multiparty elections ... and correspondingly neglected the basic tenets of liberal governance" (Chege, quoted in Zakaria, 1997: 28). In the early 1990s, editors of *Africa Demos* referred to the democratic transitions in Africa as being "co-opted or derailed in several countries" and that the democratic movement appeared to be "giving birth to democracies that [were] facades behind which monopolistic and repressive practices continue[d] to flourish" (*Africa Demos*, quoted in Joseph, 1998: 56). Moreover, issues of "corruption and related irregularities in public service remain endemic, resulting in a loss of faith in the politics and an attendant civic decadence" (Ibelema, 2008: 1).⁸

As a consequence of these apparent failings of democracy, citizens are either withdrawing from active participation in politics or in some cases are becoming sceptical about the *value* of democracy (Faundez, 2005: 615; Cross, 2006). In several Afrobarometer surveys conducted across Africa between 1999 and 2008, where people were asked if they were happy with democracy in their country, it was found that people's satisfaction levels dropped 5 percentage points, from 61% in 1999 to 56%

⁷ According to Freedom House's 2011 rankings, among the 49 countries of Sub-Saharan Africa only 9 are rated Free, while 21 are Partly Free and 19 Not Free (Freedom House, 2012: 10).

⁸ Authors have been pointing to these issues since the early 1990s. See, for example, Schmitter, 1994: 59-60; Mbembe, 1995; Ake, 1996; Bratton, 1998: 51-66; Chabal and Daloz, 1999; Friedman, 1999: 825; Pinkney, 2003: ix; Merkel and Croissant, 2004: 207; Mwangi, 2008: 267-285; and Lynch and Crawford, 2011: 275-310.

in 2008, lending support to the argument that democracy appears to have fallen short of people's expectations in Africa (Afrobarometer, 2009: 2).

It has been suggested that the most significant indicator of a successful democracy is the capacity for self-reflection on the part of a society (see Budge and McKay, 1994; and Landman, 2006). Citizens of a country can reflect on their own democracy in the form of an audit of that democracy. An audit, in its strictest sense, is "a systematic assessment of institutional performance against agreed criteria and standards, so as to provide a reasonably authoritative judgement as to how satisfactory the procedures and arrangements of the given institution are" (Weir and Beetham, 1999: 4). However, applying this to an assessment of the quality of democracy is more complicated not least because a political system is made up of many different institutions and not just one. Moreover, it is the relationships between these institutions, these institutions and citizens and between the citizens themselves that are the focus of an audit of democracy (Weir and Beetham, 1999: 4).

In addition, the argument exists that *all* democracies, whether established or relatively new, are incomplete projects and constantly need "scrutiny, vigilance and improvement" (Landman, 2006: 1). This is reflected in the shifting focus of academic scholars over recent years from discussion on how countries have made the democratic transition and consolidated (see Van Beek, 2006) to ascertaining how well they are sustaining their democracies.⁹ Assessing democracy is becoming increasingly prevalent in political analysis and has found expression in the evaluation of the *quality* of a democracy (see, for example, Altman and Perez-Linan, 2002: 85-100; Denk and Silander, 2011: 25-40; Morlino, 2011: 191). The questions being asked now are: what are the strengths and weaknesses of these regimes? How can democracies be improved and reinforced or deepened? (Beetham, 2004; Beetham, Carvalho, Landman and Weir, 2008: 18).

1.3. Purpose of the book: Auditing democracy

Assessing democracy is a difficult undertaking but it is nonetheless necessary because it is the only real way to comprehend whether or not the country is making progress in terms of 'deepening' democracy, that is, "the process of developing what in different normative perspectives are

⁹ Varied definitions of democratic consolidation exist. For example, Schedler (1998: 91-107) defines it as "securing achieved levels of democratic rule against authoritarian regression". Schmitter (2004: 52) goes further to define it as "getting people to compete and cooperate according to rules and within institutions that citizens, representatives and rulers alike find mutually acceptable. The rules and institutions thus consolidated may produce a democracy of low, medium or high quality".

considered the qualities of a democracy” (Morlino, 2011: 195). Greater reference is made to such ‘qualities’ in Chapter 2. How else can the quality of democracy be seriously examined? As Calland and Graham (2005: 7) astutely point out: “emotion, personal prejudice and the news of the day are poor indicators [of democracy], leading to pessimism or false optimism”. Plattner (2004: 110) warns, however, that while audits of democracy are useful assessments, they are also easily ‘subject to distortion’ given inherent biases of various kinds. For example, not all democracies are alike and a ‘one shoe fits all’ evaluation is not possible (deSouza, 2006: 6). Established democracies such as the United Kingdom (UK) will place different weights and values on various aspects of democracy compared to newly established democracies where cultural traditions and institutional status may be different (see Beetham *et al.*, 2008). It follows then that the level of democracy in a young democracy such as South Africa, for example, cannot be expected to be the same as that of the UK.

This book recognises that the notion of democracy and its assessment are complex. Therefore, this research is based on two existing frameworks of democracy assessment, that is, one qualitative framework developed initially by Weir and Beetham (1999) and expanded upon by the International Institute for Democracy and Electoral Assistance (IDEA), and the second, a framework that combines quantitative and qualitative methods of assessment, developed by Leonardo Morlino (2011). These will be explained briefly below as a fuller discussion will take place in Chapter 2.

The former is a framework which was first developed and used in the UK (see Weir and Beetham, 1999; Beetham, Ngan and Weir, 2002a; Beetham, Byrne, Ngan and Weir, 2002b) and, as mentioned, was further expanded upon by International IDEA. This expanded framework, known as IDEA’s State of Democracy (SoD) Methodology, has since been field-tested in 21 countries spanning the globe: Australia, Bangladesh, Bosnia and Herzegovina, El Salvador, India, Ireland, Italy, Kenya, Latvia, Malawi, Mexico, Mongolia, Nepal, Netherlands, New Zealand, Pakistan, Peru, Philippines, South Korea, Sri Lanka and the UK (including Northern Ireland) (see, for example, Chirwa, Patel and Kanyongolo, 2000; Co, Tigno and Lao, 2006; Hughes, Clancy, Harris and Beetham, 2007; and Kumar, deSouza, Palshikar, Yadav, 2008; International IDEA, 2010). The framework has also been used in some way in Canada (see Cross, 2006) and South Africa (see the literature review below).

In IDEA’s definition of democracy the two elements ‘popular control of political decision-making’ and ‘political equality’ are emphasised (Beetham *et al.*, 2008: 20). The SoD framework for assessment

encompasses the following four pillars of democracy (greater explanation is given in the next chapter): citizenship, law and rights; representative and accountable government; civil society¹⁰ and popular participation; and democracy beyond the state, which includes assessment of external influences on the country's democracy and the country's democratic impact abroad.

It must be noted from the outset that while the author acknowledges the importance of understanding the external influences on a state's democracy, the last pillar in the above framework will not be addressed in this book. It falls beyond the direct scope of this study, which is in itself also limited by space constraints and which comprises an assessment of democracy within the state of South Africa only. Moreover, as will be noted below, assessments of democracy are complicated by virtue of the fact that there are so many elements or variables to consider; it is the opinion of the author that bringing in an international dimension would only complicate the issue further. Therefore, this book is limited to an assessment of the four 'pillars' of democracy that are most relevant to an assessment of South Africa's democracy (to be discussed in Chapter 2).

Morlino's method, referred to as the tool for empirical research on democratic qualities (TODEM), is a relatively new analytical tool that attempts to address inadequacies of past democratic assessment methods by trying to combine qualitative and quantitative analysis and empirical descriptions (Morlino, 2011: 193). His definition of democracy incorporates both the minimal conception of democracy (to be discussed fully further on in this chapter) and two principal objectives of an ideal democracy: freedom and equality. Furthermore, he identifies eight dimensions or *qualities* on which democracies might vary (discussed in-depth in the next chapter): rule of law, accountability (electoral and inter-institutional), participation and competition, freedoms and political, social and economic equality and responsiveness (Morlino, 2011: 196). However, Morlino's model bases its quantitative data on existing international surveys and data sets¹¹ whereas this author prefers to conduct what is essentially a qualitative audit using a combination of data collection methods as well as an element of scoring derived personally.

This book proposes to use a combination and/or adaptation of the theoretical aspects of both of the above frameworks in its assessment of South Africa's democracy in order to ascertain progress in South Africa's

¹⁰ Civil society refers to organised groups that are independent from government, including, among other groupings, professional and trade associations, non-profit organisations, religious groups, trade unions, social groups, citizen advocacy organisations and sports clubs (Schaefer and Birkland, 2007: 48).

¹¹ For example, The Cingranelli-Richards Human Rights Dataset.

democratic achievement, that is, the *deepening* of its democracy. These particular analytical frameworks are used for the various strengths that they both offer to an assessment of South Africa's democracy. Firstly, the SoD method offers a strong framework for a qualitative audit of democracy that is robust and flexible enough to have been adapted in many other countries worldwide. On the other hand, Morlino's TODEM, which has not yet been applied in Africa, incorporates both qualitative elements (through its own identification of a web of qualities; guiding questions and more explicit breakdown of procedural, substantive and outcome-based dimensions or *qualities* of democracy) and an empirical element of data obtained from numerous international surveys. Both of these frameworks will be discussed more fully in the next chapter.

1.4. A review of the literature

Countless scholarly contributions on democracy have been written over time. However, for the purposes of this book, it is possible to identify three prominent areas of research: firstly, those focusing on the theory of the concept itself (for example Dahl, 1956; 1971 and 1989; Sartori, 1965; Macpherson, 1973; Lijphart, 1984; Held, 1987; Bealey, 1988; and Resnick, 1997); secondly, those exploring the notions of democratisation,¹² democratic transition and the challenges related to the consolidation of democracy (see Rustow, 1970; Linz, 1990; Di Palma, 1990; Karl and Schmitter, 1991; Mainwaring, O'Donnell and Valenzuela, 1992; Lipset, 1994; Linz and Stepan, 1996; Joseph, 1997; Lijphart, 1999) and democracy's third wave (Huntington, 1991); and lastly, those whose work centres on the assessment of the quality of democracy (see Weir and Beetham, 1999; Diamond and Morlino, 2005; Landman, 2006; Sawyer, Abjorensen and Larkin, 2009; and Coppedge and Gerring, 2011). It is this last field that is the most relevant to this book and thus will be further elaborated on below.

In the 1950s and 1960s a number of countries became independent and of these an unexpectedly large group started out as relatively democratic political systems (for example, Somalia and Sierra Leone). Accompanying this flurry of democratising states were the first real efforts at applying statistical political science to constructs of democratisation,

¹² Democratisation refers to the process of a state's transition from authoritarian principles to liberal democratic features – most prominently, the granting of basic freedoms and the establishment of regular and competitive elections. This process traditionally occurs in three overlapping phases, the first of which centres on the collapse of the old regime, the second witnesses the establishment of new liberal democratic structures and procedures and the third is referred to as the period of democratic consolidation where the new structures and processes become completely and irreversibly embedded in society (Przeworski, 1991).

democratic stability and the impact of democracy on equality (Catt, 1999: 119). See, for example, Lerner, 1958; Lipset, 1959; Banks and Textor, 1963; Cutright, 1963; and Smith, 1969. While some important work was done in the 1970s in this field (for example Dahl, 1971; Banks, 1972; Jackman, 1974; and Gastil, 1978), much of the work, with the exception of Gastil, focused primarily on developing cross-national measures of political democracy for the 1960s not the 1970s.

The previously mentioned 1980s/1990s democratisation wave sparked renewed academic interest in analysing democratic stability (see Arat, 1991; Bollen, 1991; Huntington, 1991; and Vanhanen, 1997). In 1990 the UK Democratic Audit (mentioned above), which attempted to produce a comprehensive index of assessment of democracies, was published. Two more democratic audits have been carried out in the UK since then (see Weir and Beetham, 1999; Beetham *et al.*, 2002a; Beetham *et al.*, 2002b). IDEA expanded the UK Democratic Audit to produce its SoD Methodology (Tungwarara, 2006: 3). As noted previously, this methodology has been tested in over 21 countries worldwide.

Numerous research and policy-related articles concerning the quality of democracy have been written since 2000 (see McHenry, 2000; Munck and Verkuilen, 2002; Shin and Chu, 2003; Beetham, 2004; Diamond and Morlino, 2004; Merkel and Croissant, 2004; Morlino, 2004; Schneider and Schmitter, 2004; Coppedge, 2005; McHenry and Mady, 2006; Kekic, 2007; Machangana, 2007; Seligson, 2008; Roberts, 2010; and Levine and Molina, 2011). Many data banks have also provided measures of aspects related to democratic performance and the quality of democracy (such as Polity IV, Freedom House, *The Economist's* Intelligence Unit, the World Bank, the Bertelsmann Transformation Index, and, in Africa specifically, the Mo Ibrahim Index).

The above research on the quality of democracy has made vital contributions to the development of the subject. More specific analysis of the quality of democracy applied in practice in Africa has been less extensive. It is true that views on democracy and country studies in Africa (and the less developed world) have peppered the scholarly field of democracy studies for many years with notable writings, including those with a focus on democratisation in Africa (Ottaway, 1997; Hutchful, 1997; Chabal, 1998; and Osaghae, 1999; country-specific case studies (Owusu, 2006); and comparative studies of newly democratic African states in the 1990s (Sandbrook, 1996). Other authors have investigated democratic reform in Africa (Ake, 1991; Mamdani, 1992; Monga, 1997 and Gyimah-Boadi, 2004); have focused their discussion on state conflict and democracy (Joseph, 1999 and 2003) or have explored the range of regimes in Africa (Van de Walle, 2009).

Civil society (Monga, 1996; Hutchful, 1995), press freedom (Ibelema, 2008), good governance (Abrahamsen, 2000; Mafeje, 2002; and Kondlo and Ejiogu, 2011); opposition parties (Lindberg, 2006) and electoral processes (Ozor, 2009; Rakner and Van de Walle, 2009) have also been the subject of research. In addition, substantial research has been done on democratic types (Nyang'oro, 1996) and democratic experiments in Africa (Bratton and Van de Walle, 1997); constitutional democracy in Africa (Nwabueze, 2003); and the complex relationship between development and democracy (Diamond, 1997; Sen, 2001; Adedeji, 2007; Adejumo and Olukoshi, 2008; and Mkandawire, 2010).

However, relatively little has been written on *assessing the quality* of democracy in Africa, although Baker (1999); Mattes and Gyimah-Boadi (2005) and Adetula (2011) offer compelling views of auditing African democracies. In addition, as noted above, Kenya and Malawi have undertaken assessments of their democracies using IDEA's SoD. Moreover, *Africa Demos* formulated its own criteria to assess the quality of democracy in Africa in the early 1990s. Its Quality of Democracy Index classified regime types in Africa according to thirty different criteria and included the following indicators: access of social groups; autonomy of civic associations; constitutionalism and the rule of law; electoral process; freedom of assembly and association; freedom of conscience and expression; human rights; judiciary; media and military (Conteh-Morgan, 1997: 31). However, this index has been criticised for being too lengthy and complicated, as well as too difficult to gather empirical data on (Vanhanen, 1997: 33).

This book is concerned with the assessment of democracy as it pertains specifically to South Africa. While publications on South Africa as a democracy abound (see, for example, Giliomee, 1995; Barberton, Blake and Kotzé, 1998; Solomon and Liebenberg, 2000; Mattes, 2002; Waghid, 2003; Butler, 2004; Van Beek, 2006; Kotzé and Steenekamp, 2008; and Jeeves and Cuthbertson, 2008) the idea of assessing the quality of democracy in South Africa is a relatively new undertaking. Only a few studies have been done in this field and these are concerned predominantly with evaluating South Africa's democratic transition (see, for example, James and Levy, 1998; and Muthien *et al.*, 2000).

Since South Africa's stabilisation as a democracy, the only dedicated research in this area has been undertaken by the Institute for Democracy in Africa (IDASA); the South African Institute of Race Relations (SAIRR) and the Open Society Foundation for South Africa in collaboration with the Democracy in Africa Research Unit.¹³ In 2002, IDASA used

¹³ The Open Society Foundation has released two rounds of its monitoring index which measures the degree of 'openness' in South Africa in terms of four dimensions:

the SoD framework referred to above to develop 150 indicators – IDASA’s Democracy Index – to assess the quality of democracy in South Africa (Graham and Coetzee, 2002). Calland and Graham (2005) is a refined version of this study. The assessment identifies five branches of democracy: ‘participation and democracy’, ‘elections and democracy’, ‘accountability and democracy’, ‘political freedom and democracy’ and ‘human dignity and democracy’ in its Index. The results and scoring of the Index (0-10 where 10 is the highest and closest to the democratic ideal) are listed very briefly at the start of the book and are exclusively IDASA’s scores. The majority of the content is devoted to analysis by specialists in their respective fields. Apart from the relatively brief Index, the contributions by specialists are very wide-ranging and broad – not surprising given that IDASA’s directive was to “paint whatever picture they chose on a blank canvas provided it was directed towards the simple notion: the People Shall Govern” (Calland and Graham, 2005:10-11).

In 2010, IDASA published another assessment of South Africa’s democracy (Misra-Dextra and February, 2010). In this version, various authors initially provided an overview of key challenges facing South Africa’s democracy, with a definite focus on the relationship between democracy and development, followed by additional authors contributing to an assessment of the five branches referred to above. While these assessments are far more detailed than those in the original assessment (Calland and Graham), the data is mostly limited to 2008/2009 sources and 2005/2006 in some cases. As pointed out above, the growing concern over the quality of South Africa’s democracy over the years has, since 2009, become increasingly prevalent necessitating further assessment of its democratic health.¹⁴

Since 2009 the SAIRR has developed its own framework for assessment in which it identifies ten pillars of democracy referred to as the ‘Rainbow’ index. These pillars comprise: democratic governance; the rule of law; targeted and effective governance; individual rights and opportunities; a vigorous media and civil society; growth-focused policies; scope for free enterprise, big and small; racial goodwill; liberation of the poor; and

1) the free flow of information; 2) inclusive, accountable and responsive government; 3) fiscal accountability and 4) rule of law.

¹⁴ For example, allowing for possible overlap in the reporting of the same events, in one year alone (between January 2009 and December 2009) the *Mail & Guardian* newspaper published over 70 stories on corruption; over 54 on increasing crime; 81 on health issues; 80 on education concerns and 60 concerning service delivery challenges. Similarly, over the same period, the *Sowetan* newspaper published over 80 reports on corruption; 65 on crime; 110 on health; 71 on education and 90 on service delivery issues. Since then, these issues are among many others that have routinely peppered the print media.

good citizenship. These same pillars are used as the basis for assessment in a book by Anthea Jeffery (2010) entitled *Chasing the Rainbow: South Africa's Move from Mandela to Zuma* in which Jeffery scores South Africa in terms of percentages for each of these pillars. Jeffery's assessment is more wide-ranging than IDASA's index in that it offers a far more comprehensive account of both political and economic issues (as noted above). However, it is the inclusion of so many pillars that makes this assessment quite intricate and detailed and, as a result, possibly more difficult to repeat in later years for purposes of comparison.

Apart from the above-mentioned criticisms, neither of these studies expressly elaborates on what is meant by *quality* democracy. This book will address this lack of explanation in its audit. Moreover, this book intends to make an original contribution to the field in three ways (its contribution to the field of study is further elaborated on in the concluding chapter of this study). Firstly, this book hopes to expand the existing academic knowledge of democracy assessment in South Africa. Despite being regarded as arguably one of the most democratic states in Africa, relatively few assessments of the quality of South Africa's democracy have been undertaken (as noted above). Several concerning situations which have repeatedly cropped up over the years have made the auditing of South Africa's democracy 21 years after democratisation increasingly important. Furthermore, this is the first study in Africa to combine, and more specifically refine, elements of two international frameworks (SoD and TODEM) in an assessment of South Africa's quality of democracy (using a personally devised method of scoring), with the view to utilising the framework again in future research (that is, in 5-10 years) for comparison.

Secondly, this book is therefore also an effort to make a theoretical contribution to the ongoing search for universally acceptable indicators of democracy assessment as well as methods of analysis and assessment and is intended to build on existing knowledge in the field of democracy assessment in South Africa.

The final perceived contribution of this book relates to possible improvements in South Africa's democracy. By drawing attention to the progress achieved in some areas; potentially government could apply the lessons derived from these achievements to other areas performing at a less optimal level. As will be noted in section 2.2.2 of Chapter 2, democracies are in constant flux able to become more or less democratic over time. Therefore, South Africa will need to remain cognisant of what can be achieved in practice but constantly striving to deepen its democracy as far as possible.

Bearing these potential contributions in mind, it is important to acknowledge that assessments of democracy are complicated by virtue of the fact that there are so many elements or variables to consider. Therefore, this book will adapt elements of existing frameworks in order to be as exacting as possible within the chosen frameworks. While it is acknowledged that one could go to great lengths to discuss aspects such as economic growth, decentralisation and party politics, among many others, South Africa is still a relatively new democracy and as such this assessment is limited to exploring the essential democratic elements only.

1.5. Description and justification of research methods to be employed

Widely used methods for measuring the quality of democracy are quantitative analyses, for example the Vanhanen-Index, the Polity-Index and the Freedom House Index (to be discussed in the next chapter). However, it has been argued that such quantitative frameworks of assessment often give spurious impressions of objectivity “to what are essentially complex matters of judgment, about the interpretation of evidence and the respective weight to be assigned to different aspects of democracy in an overall aggregative score” (Beetham, 2001: 166). In effect, scoring can oversimplify an assessment of the quality of democracy. In addition, it is often difficult to “know what actually lies behind [the] numbers and rank orders” (Morlino, 2011: 193).

Additional criticisms include methodological questions about reliability, validity and dimensionality. For example, Freedom House has been criticised for its lack of validity (as it is technically a measure of freedom and not democracy) and reliability (in that it has never been clear how its checklists translate into its 7-point scores) (Landman and Häusserman, 2003: 10). In addition, concerns exist over the evident cultural blindness of quantitative indices, as well as their heavy emphasis on procedural aspects which tend to overlook undemocratic outcomes (Social Science Research Centre Berlin, 2010).

Having said this, it can be claimed that qualitative frameworks are equally potentially limited in that they often lack adequate theoretical justifications as well as clarity in that details can become lost in a labyrinth of context and exposition. As yet, there is no definitive solution to this problem. However, experts in democracy assessment suggest that the solution could lie in a combination of quantitative and qualitative methods of assessment – a necessary step forward in the field of democracy assessment (Diamond and Morlino, 2005: xiii; Social Science Research Centre Berlin, 2010; Morlino, 2011: 193).

Given that the search for the best way to measure or assess democracy is ongoing and non-definitive, this research, upon advice from Morlino (Professor at *Istituto Italiano di Scienze Umane* at time of interview: 2010), adapts elements from both the essentially ‘qualitative’ SoD and the combined qualitative and quantitative TODEM frameworks. As both models are generic, they must therefore be adapted in this study to apply more specifically to the South African context (this will be explained further in Chapter 2).

This audit of democracy is essentially qualitative (with a personally devised method of scoring also included). Data is obtained from a comprehensive review of the South African Constitution, domestic legislation, court judgments, official documents, official statistics, non-governmental and international organisation reports, media (notably press reports),¹⁵ secondary literature, official reports and country documents and expert reports. These are supplemented by formal personal interviews as well as personal informal discussions with experts in the various fields under assessment (discussed further below). In addition, already existing universally acknowledged surveys, for example, Freedom House; Transparency International’s Corruption Perceptions Index; *The Economist* Intelligence Unit’s Democracy Index; Bertelsmann’s Transformation Index; Afrobarometer; and the Mo Ibrahim Index, which despite some criticism, still offer valuable data, are also consulted. At this point, it is worth noting that while these surveys are referred to, the focus of this book is not to compare the findings of these and any other method of democracy assessment with regards to South Africa. Rather, the primary purpose of consulting them was to provide an additional and independent check for the validity of the personal scoring.

Creswell (1994: 2; 147) notes that qualitative research is essentially interpretive research. Therefore, it must be acknowledged that assessing the quality of South Africa’s democracy when one is oneself a South African citizen brings with it subjective values and biases as a result. This must inform any ‘score’ provided at the end of each dimension and pillar, as they are those of the author. Therefore, cognisant of this potentiality and in order to avoid as much as possible, a situation of scoring based on either deep pessimism or extreme optimism, explanations or motivations for scores are given based on the qualitative research (referred to above) together with informed input from acknowledged experts in the fields under assessment.

¹⁵ While the possible limitations presented by press reports are acknowledged (see Calland and Graham 2005: 7), they are nevertheless essential, given that very often, “they ... provide the sole source of current information on events” and therefore must be taken into consideration (Jeffery, 2010: xxxiii).

Assessments of democracy often include panellists who are requested to score the country based on literature supplied by the researcher/s and then allocate a score based on that literature. However, such efforts are extremely time-consuming with the possible result that panellists may simply give a score 'to be done with it'. This specific study instead identifies acknowledged experts in the various sub-dimensions or 'indicators' of democracy, to be identified and discussed in Chapter 2, for interviews. These experts, identified from South African academia, research institutions, think tanks and in some cases on the basis of media prominence, specialise in one or more of the indicators of democracy and are publicly recognised as presenting independent viewpoints. In addition, a snowball technique of interviewing is also employed.¹⁶ Apart from formal interviews, information is also derived (as mentioned) from informal discussions with speakers at seminars and other speaking events. The input from these experts points to shortcomings, deficiencies, achievements and successes in South Africa's democracy which are used to inform the assessment, which is then personally scored based on the qualitative information derived as well as the information gleaned from these interviews. As many of the identified interviewees are experts across several indicators (and dimensions) they have been asked to provide their views pertaining to each relevant indicator in which they are proficient. For example, Commissioner Janine Hicks of the Commission for Gender Equality (CGE) was able to provide her opinion on the CGE as an institution, women's participation in political life and aspects of socio-economic rights (all three of which lie in separate dimensions).

Two aspects are assessed in each indicator of democracy: procedure and democratic outcome. Procedural aspects refer to, for example, constitutional directives in place and legislation; whereas outcomes refer to the degree to which such constitutional directives and legislation have been upheld in practice. The procedural aspect is represented using a plus (+) or a minus (-) sign to indicate presence or lack of presence and outcomes are scored using a 0-4 point scale where:

0 = either no application of indicator or very low/weak application of indicator

1 = low to medium application of indicator

2 = medium application of indicator

¹⁶ The 'snowball' method of interviewing is a method of collecting qualitative research from new people using the referrals of the people who have already been included in the study. The previous participants are asked if they know anyone who may have some kind of helpful insight or information that may help the researcher (Bowers, 2012).

3 = medium to high application of indicator

4 = high/strong application of indicator

For example, an assessment of access to justice might reveal that several institutional and legislative imperatives are in place for the population to access the justice system (+) but these are not working optimally in practice for whatever reason (which may therefore warrant a score of 2/4). The final score for this indicator would then be +2 (meaning *de jure* existence (+) but limited *de facto* implementation or application (2 out of 4)).

After interpreting all of the results, overall findings are personally scored (see below). A justification of the mark given accompanies each score. Morlino's model of assessment ranges from 'effective' to 'perfect' democracy (indicating the degree of quality democracy) and 'inefficient' to 'minimal' democracy (reflecting democracies without quality)¹⁷ (Morlino, 2011: 249-251). However, given that this study is an assessment of the degree of South Africa's democracy after 20 years and not against a notion of 'ideal' or 'perfect' democracy, the overall assessment of each identified pillar of democracy (discussed in the next chapter) is categorised from 'low' to 'high quality' democracy, represented in a 0-4 rating as below:

- 0 = low quality democracy (very low presence and application of indicators in general – inefficient democracy);
- 1 = low to medium quality democracy (low presence and application of indicators in some of the dimensions but some signs of efficiency in one or more of the other dimensions);
- 2 = medium quality democracy (indicators are present and applied for the most part; possible inertia must be avoided in favour of vigorous and conscientious action to improve on significant problem areas);
- 3 = medium to high quality democracy (indicators are present in most dimensions and are effectively guaranteed in practice barring a few problems);
- 4 = high quality democracy (indicators are strongly present and fully applied across all dimensions – indicative of a robust, healthy democracy).

Having established the methodology of this audit, it is now necessary to conceptualise the principal terms utilised in democracy assessment.

¹⁷ See section 2.3 in Chapter 2 for more explanation about this.

1.6. Conceptualisation

As pointed out below, ‘democracy’ is an elusive concept; however, it is impossible to draw up indicators for democracy assessment without defining the concept first. As Morlino (2011: 25) notes, the first step is to “spell out the core definition of democracy”. Therefore, this will be the first concept discussed below. The second main term, ‘quality’, will be examined in Chapter 2.

Democracy

It is widely held that the most preferable form of political organisation is democracy. However, difficulties have arisen over the years in the use and often abuse of the term ‘democracy’, which have rendered it meaningless in many ways (Kingsbury, 2007: 96).

The first problem is semantic in that the concept ‘democracy’ is used freely by many states and regimes that may be considered conventionally as democratic but that do not abide by fully democratic principles in practice, such as hybrid regimes that combine democratic and authoritarian elements (Diamond, 2002: 23). Secondly, the term has been used in such a carefree and uncritical way that its normative good is merely assumed without any real questioning as to why it is uncritically accepted. Finally, there is no universally agreed upon definition of the term, which consequently has real implications for its implementation in practice. Moreover, the dynamic nature of democracy studies is in itself problematic, as new concepts of ‘democracy’ and ‘democratisation’ are constantly emerging, none of which are definitively agreed upon. In addition, and this applies more specifically to this research, there are contestations over how Africans understand and define democracy. This murky swamp of conceptualisation needs to be navigated before any assessment of the quality of South Africa’s democracy is possible.

It is evident that over 500 different definitions, types and sub-types of democracy exist.¹⁸ Several definitions emphasise government based on majority rule and the consent of the governed; regular, competitive free and fair elections; equality before the law, transparency, due process and political pluralism; the importance of government accountability; political participation and the effective exercise of civil liberties and basic freedoms as core principles (see, for example, Dahl, 1971; 1989: 88; Rueschemeyer, Stephens and Stephens, 1992: 43; Collier and Levitsky, 1997: 430-51; Kekic, 2007: 1; Diamond and Plattner, 2001: xi;

¹⁸ See David Collier and Steven Levitsky’s review of 150 studies of democracy (Collier and Levitsky, 1997: 430-451). For a provocative and informative alternative to the more traditional views of democracy see Saward (2003: 144-151).

and Makinda, 1996: 557). Other definitions focus on the interdependent relationship between democracy and development (see, for example, Sen, 1999), with democracy being a way of improving socio-economic rights and development.

Despite the lack of one universally agreed upon definition of democracy, it is nevertheless possible to distinguish between minimal/thin and maximal/thick conceptions of the term. The minimalist conceptions of democracy, most of which borrow from Joseph Schumpeter's definition (below), centre on electoral competition and uncertainty,¹⁹ while maximal or thicker conceptions identify a wide range of other types of institutions, processes and conditions that must also be present for a regime to be called a democracy (Diamond, 2001: 150).

Schumpeter (1942: 269) declares democracy to be "that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote". That is, a system is a democracy if that system regularly holds elections to fill its chief executive office and the seats in its effective legislative body; if there is some chance that one or more ruling parties could lose office in a particular election, if any winner of a free and fair election can assume office; and if the winners of one election cannot prevent the same competitive uncertainty from prevailing in the next election (Przeworski, Alvarez, Cheibub and Limongi, 1996: 51).

Robert Dahl's (1970) conception of 'polyarchy' offers the formative elaboration of the minimalist definition of democracy. Polyarchy combines two central features: inclusiveness (the right of every adult to participate in political activity) and public contestation (the right of citizens to criticise authority, and organise opposition against the government through regular, free and fair elections). More specifically, polyarchy constitutes eight institutional requirements: 1) almost all adult citizens have the right to vote and 2) are eligible for public office; 3) political leaders have the right to compete for votes; 4) elections are

¹⁹ Downs (1957: 23-24), for example, places enormous emphasis on elections as the key to democracy. He argues that a democratic political system is characterised by the following:

... periodic competitive elections with full franchise and equal voting: a single party or coalition elected to run government, periodic elections, franchise for all permanent residents, one person one vote, the party or coalition with a majority of vote can be government until the next election, losing parties do not try to take over, government does not restrict activities of opposition, and at least two parties compete in elections.

Morlino (2004: 10) also attests that a democracy should have at the bare minimum: "universal, adult suffrage; recurring, free, competitive and fair elections; more than one political party; and more than one source of information".

free and fair; 5) all citizens are free to form and join political parties and other organisations; 6) all citizens are free to express themselves on all political issues; 7) diverse sources of information about politics exist and are protected by law; and 8) government policies depend on votes and other expressions of preference (Dahl, 1970).

A third dimension – civil liberty – can be added, without which Diamond (2001: 150) argues, the first two cannot be truly meaningful. He contends that apart from the freedom to vote and contest for office, polyarchy encompasses the freedom to speak and publish dissenting views, freedom to form and join organisations, and alternative sources of information. Diamond (2001: 150) also admits, though, that despite the acknowledgement of freedoms in their definitions, thin conceptions of democracy typically do not devote much attention to these freedoms, nor do they incorporate them into actual measures of democracy.

While free and fair elections are without doubt essential in democratic societies, scholars rightfully argue that the thin/minimal conception of democracy commits the so-called ‘fallacy of electoralism’ meaning that it isolates elections as supreme over other dimensions of democracy (see, for example, Schmitter and Karl, 1991; Friedman, 1999). The argument is that this thin view ignores the degree to which multi-party elections may exclude significant portions of the population from contesting for power or advancing and defending their interests. Minimalist definitions of democracy do not give due weight to political repression and marginalisation which “exclude significant segments of the population – typically the poor or ethnic and regional minorities – from exercising their democratic rights” (Diamond, 2001: 151). Therefore, it is important to acknowledge that while electoral democracies might be classified as democratic by virtue of the existence of elections, this does not guarantee that all traditional attributes of democracy are being adhered to (Bratton and Van de Walle, 1997: 235-236). They may, in truth, be lacking in respect of a number of societal freedoms, such as poor civil liberties regimes, especially *vis-à-vis* minority interests (as noted above), often limited societal toleration, corruption, crime and violence²⁰ (Haynes, 2001: 8).

It is for this reason that several conceptions of democracy fall somewhere in between electoral and liberal, that is, they include basic freedoms of expression and association, yet still allow for constrictions on

²⁰ For an interesting take on this topic see Huntington (1991) who has argued that “governments produced by elections may be inefficient, corrupt, short-sighted, irresponsible, dominated by special interests and incapable of adopting policies demanded by the public good. These qualities may make such governments undesirable but they do not make them undemocratic” (Huntington, 1991: 10).

citizenship rights and a pervious, tenuous rule of law. Such democracies, referred to as ‘pseudo-democracies’,²¹ ‘electoral authoritarian regimes’,²² or ‘hybrid’ regimes may have multi-party systems as well as many other constitutional features of electoral democracy but “lack an arena of contestation sufficiently open, free, and fair so that the ruling party can readily be turned out of power if it is no longer preferred by a plurality of the electorate” (Diamond, 2002: 24). Also, such regimes are termed *pseudo-democracies*, because the presence of democratic institutions such as multi-party elections, is often only concealing actual authoritarian domination (Diamond, 1999: 13).

A wide variety of pseudo-democracies exist including semi-democracies and hegemonic party regimes. Semi-democracies are closer to electoral democracies in that they offer pluralism and competition whereas hegemonic party systems are characterised by a relatively institutionalised ruling party making “extensive use of coercion, patronage, media control, and other features to deny formally legal opposition parties a fair and authentic chance to compete for power” (Diamond, 1999: 15-16). In the latter systems, the ruling party regularly wins massively and controls the overwhelming bulk of legislative seats (for example, Mexico until 1988).

Maximal/thick conceptions of democracy are more fully articulated than minimal definitions and include a host of institutions, processes and conditions that are imperatives in democracies. These conceptions encompass both the classical democratic element of elections as well as the liberal element of protection for individual rights of the people through the rule of law (Diamond, 2001: 151). More specifically, those attributes that are commonly associated with a fatter conception of democracy include: majority rule, judicial independence; separation of powers, local autonomy; jury trials; numerous personal or human rights, socio-economic equality, direct democracy, public-spirited harmony; constitutionalism; good governance, government responsiveness and accessibility of decision-makers, an effective bureaucracy and an independent civil society (Baker, 2001: 24; Coppedge, 2005: 7; and Ayers, 2006: 323). A functioning

²¹ Pseudo-democracies or hybrid regimes are not new. In the 1960s and 1970s, there existed multi-party and electoral, but ultimately undemocratic regimes (Diamond, 2002: 23). Of these electoral autocracies – Mexico, Singapore, Malaysia, Senegal, South Africa, Rhodesia, and Taiwan – only the Malaysian and Singaporean regimes remain today.

²² Pseudo-democracies are distinguishable from non-democracies in that they tolerate legal alternative parties (which constitute at least somewhat real and independent opposition to the ruling party) as well as dissident activity in civil society, which is not the case in most repressive authoritarian regimes. While pseudo-democracies are mostly illiberal they do vary in their repressiveness and tend to have somewhat higher levels of freedom than other authoritarian regimes (Diamond, 1999: 16).

government, government accountability, political participation, and a strong political culture are also often included in the thick definition of democracy (Rueschemeyer *et al.*, 1992: 43; and Kekic, 2007: 2).

Diamond's (1999: 10-11) model of liberal, representative democracy encapsulates the thicker understanding of the term to a large extent and consists primarily of ten conditions.²³ In order for these ten conditions to be upheld, a supreme Constitution is an imperative, hence the fact that liberal democracy is often synonymous with 'constitutional' democracy. Broadly defined, constitutional democracy combines the features of guaranteed liberty and citizen protection (through a network of internal and external checks on government and an independent judiciary) with the democratic features of regular and competitive elections, universal suffrage and equality (Welsh, 2004: 6). Moreover, constitutional democracy combines the rule of law with the active participation of people in politics. That is, both human rights and political contestation between political parties or politicians are of equal importance (Lane and Ersson, 2003: 14).

Apart from liberal, representative democracy (also constitutional democracy), other normative definitions of democracy include responsive democracy, participatory democracy, deliberative democracy, associative democracy, and egalitarian or social democracy (Morlino, 2011: 34). In responsive democracy (see Dahl, 1971; May, 1978 and Kuper, 2004), the key feature lies in "the results of decisions that mirror the preferences of the governed" (Morlino, 2011: 35). In participatory democracy democratic values of participation and freedom are emphasised (see Pateman, 2012). Deliberative democracy entails freedom and participation and is grounded in the notion of public discussion among free and equal individuals (Cohen, 1989; Elster, 1998; Dryzek, 2007; and Fishkin, 2009).

²³ These ten conditions are: 1) elected officials control the state and its key decisions; 2) an independent judiciary and Parliament constrain executive power; 3) all groups that adhere to constitutional principles have the right to form a party and contest elections; 4) cultural, ethnic, religious, and other minority groups (as well as historically disadvantaged majorities) are free to express their interest in the political process and to speak their language and practice their culture; 5) all citizens have multiple channels for expression and representation of their interests and values, including diverse, independent associations and movements, which they have the freedom to form and join; 6) the government is not the only source of information as alternative sources of information exist (including independent media) and all citizens have access to these avenues of information; 7) individuals have freedom of belief, opinion, discussion, speech, publication, assembly, religion, demonstration and petition, and 8-10) citizens are equal under the law; individual and group liberties are effectively protected by an independent, non-discriminatory judiciary; and the rule of law protects citizens from unjustified detention, exile, terror, torture, and undue interference in their personal lives (not only by the state but also by organised nonstate or antistate forces) (Diamond, 1999: 10-13).

In associative democracy, dimensions of participation, accountability and freedom are key (Hirst and Bader, 2001). In social democracy, the argument exists that the guarantee of civil and political rights, while important, is not enough to make a democracy work effectively. Equally important is the government's duty to guarantee the resources that are necessary for citizens to use these rights. Therefore, civil and political rights must be complemented by social rights (Iwuji, 2007). As noted by Morlino (2011: 34-40) all of these normative notions of democracy include many of the same key democratic elements.

As discussed above, no universally accepted definition of democracy exists. Nevertheless, it is possible to ascertain basic or recurrent democratic conceptions or qualities from several key thinkers referred to above, namely: free and fair elections; civil liberties; rule of law; independent civil society; accountability; political participation and the inclusion of social rights. However, some scholars of African democracy would argue that these 'traditional' tenets of 'Western' democracy do not draw *sufficient* attention to the reduction of socio-economic inequalities as vital in a democracy. It has been argued that satisfaction of some basic economic and social needs is necessary for any meaningful democracy to exist (Coppedge, 2005: 8). Makinda (1996: 557) and Joseph (2003: 164) add that a system of welfare and redistribution targeted at narrowing social inequalities is an essential aspect of democracy. As this study is an assessment of South Africa's democracy, it is important to ascertain whether or not a truly different understanding or definition of 'African' democracy exists. Therefore, before finalising the definition of democracy that will be used in this study, it is first necessary to investigate the notion of an African conception of democracy.

African democracy versus Western democracy?

In the past theorists have attempted to ascertain which values are inherent in democracy. Some theorists base their findings on the liberal, rational values of the Enlightenment.²⁴ Political historians attribute democratic values to the English, American and French Revolutions. The philosophical school associates democracy with the 'good society'. The resulting general consensus is that fairness, social justice, equality, fraternity and liberty are often regarded as democratic values, as are tolerance, respect, trust (particularly between political leaders),

²⁴ The Enlightenment refers to a body of ideas that was developed by English thinkers in the 17th century and was then expanded upon by French and other Europeans whereby critical and rational thought was applied to assumptions previously taken for granted with the intention of bringing humanity out of the darkness and into the light (Milbank, 1992: 134).