

**IDASA'S DEMOCRACY INDEX**

**Testing Democracy:  
Which way is  
South Africa  
going?**

**Edited by  
Neeta Misra-Dexter and  
Judith February**

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# Testing Democracy: Which Way is South Africa Going?

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# INTRODUCTION

BY NEETA MISRA-DEXTER AND JUDITH FEBRUARY

The purpose of this book is to assess South Africa's democracy in terms of the goals that defined the country's democratic transformation in 1994. It attempts to do this in two ways. Firstly, it aims to give readers an overview of the key challenges facing South Africa's democracy today. The country's performance in meeting these challenges is assessed in chapters written by academics and policy analysts. These are wide-ranging overviews, designed to give an insight into the broad debates in each area.

The book also sets out to provide a more detailed assessment of South Africa's democracy through Idasa's Democracy Index, comprising 100 questions that interrogate how closely, in practice, democracy meets the broadly defined ideal of popular self-government. In doing so, the Index gauges the difference between the procedural forms of democracy and what really occurs in terms of citizens realising their socio-economic and political rights. Now in its third iteration, the Index is Idasa's attempt to formulate a set of questions that captures its vision of democracy as an embedded system of institutions, supported by active citizens and a vibrant political culture, that are vital if democracy is to be owned, promoted and deepened by citizens.

In assessing democracy, this book recognises that South Africa has created the framework for a sustainable democracy. The consensus is that the country has successfully set up formal institutions of democracy and enacted a Constitution that enshrines political and socio-economic rights. It is in the functioning of institutions, in the interpretation of the Constitution and in providing access to basic rights that democracy falls short. Weak institutions, a significant characteristic of South Africa's democracy, struggle to promote the effective functioning of the state, and fail to provide the checks and balances necessary for democracy to flourish.

The general state of economic under-development that defines the reality of the majority of South Africans is another defining characteristic of South Africa's democracy. Citizens who struggle to gain access to employment, housing and transport, and suffer from ill-health, a lack of clean drinking water and inadequate education are limited in their political participation. Resource constraints create significant barriers for the poor, often limiting them to voting or protest action, preventing them from effectively engaging in other democratic processes that would make government more responsive to their needs.

For this reason, the 2010 edition of the Democracy Index focuses on the relationship between democracy and development. A considerable body of academic literature deals with this relationship, but much of it is based on a narrow definition of development or democracy. It tends to reduce the former to growth and the latter to the political regime, and to use empirical evidence in seeking a statistical correlation between the two. At a conceptual level South Africa's democracy has not suffered

from such constraints; since 1994 it has been generally accepted that democracy and development are inextricably linked.

This emerges clearly from three key documents from the dawn of democracy which emphasised democratic rule as the vehicle through which development should take place and the interests of formerly disadvantaged citizens advanced: the African National Congress's "Ready to Govern" document; the Reconstruction and Development Programme (RDP); and the Constitution crafted in the mid-1990s. The first democratic election in 1994 was, therefore, not just about winning votes – it was about using electoral power to redress centuries of underdevelopment for the mass of South Africans. Democracy was seen as being about more than electoral rights, checks and balances against the misuse of power and an active citizenry; it was also about economic rights and the government's obligation to enable citizens to realise these.

The new rights dispensation for all South Africans had to be coupled with the ability to access, realise and fight for these rights. Lived democracy was as much a matter of clean water, housing, employment and health care as it was about the right to vote. The apartheid system had cynically engineered a system where the lack of political rights was used to deny most South Africans basic human and economic rights. The democratic system, therefore, had to ensure that hard-won political rights were a means to alleviate the hardships facing most South Africans.

Sixteen years after the advent of democracy, this book revisits the relationship between development and democracy envisaged in 1994. South Africans today have some of the highest levels of poverty, inequality and unemployment in the world. HIV/Aids continues to cause a humanitarian crisis, despite the refreshing acknowledgement of the epidemic by Jacob Zuma's government after the denialism of the Thabo Mbeki era.

Compounding these crises is the generally poor state of the public service. Widespread economic underdevelopment also has major resource implications for citizens wishing to participate in civil society. In South Africa it has impeded the development of a civil society that is truly representative of the citizens that it speaks for and therefore civil society has not always successfully articulated the needs and concerns of their constituencies.

Moreover, because of prolonged dominant-party rule, many of the checks and balances and separation of powers envisioned and enshrined in the Constitution are being eroded. This has weakened institutions, leaving them less able to provide the oversight needed for the effective functioning of the state.

Fuelling this mixture of economic and political stresses are social factors such as race, immigrant status and gender. In May 2008, a wave of xenophobic attacks swept through South Africa and continuing outbreaks of xenophobia pose a serious threat to South Africa's nascent human rights culture. Violence and instability need to be studied by integrating social, economic and cultural factors and it is often economic stresses such as poverty "coupled" with social issues such as racial inequality that creates a volatile environment that fosters violence.<sup>1</sup>



Working from the premise that development and democracy are interrelated, this book analyses these key issues with the aim of outlining the main challenges to South Africa's democracy at present. In the pursuit of both development and democracy, we have assumed that there is an interface between political rights on the one hand and economic needs on the other.<sup>2</sup>

The first six chapters of the book explore the main issues of economic underdevelopment and democracy by interrogating the political regime, development policy, poverty and inequality, the public service, the functioning of state institutions and the state of civil society in South Africa. Intolerance and racial tension are dealt with in the Democracy Index.

The political regime is the starting point of our analysis. Since 1994, the ANC has governed South Africa in a system of dominant-party rule democratically mandated by the people in elections. In the early life of post-liberation states, dominant-party or single-party rule is well-nigh inevitable – but its consequences are less predictable. Since 1994, the main cause of political conflict in South Africa's dominant-party system has been the ANC's internal power struggles.

Particularly since 2003, conflict between factions of the ANC has spilled into the public domain, and the accusations and counter-accusations have played out in the courts and the media. More importantly, these internal battles have had consequences for democracy, as ANC leaders have repeatedly conflated the interests of the party with those of the state. To harness state power to the goals of individuals in the party, institutions have been tinkered with, the judiciary has been attacked, and people have been deployed to state positions based on loyalty rather than merit.

The struggle for power in the ANC, culminating in the party's conference in Polokwane in 2007 at which Jacob Zuma deposed Thabo Mbeki as ANC president, is widely seen as a seismic shift in South Africa's post-apartheid political history. Zuma's rise to power was viewed as an opportunity for change that would transform the ANC into a more democratic organisation that encourages internal debate. But already the meaning of these events, and their implications for the future, are less clear.

Has Polokwane deepened democracy in the ANC, with a positive knock-on effect on the government? It has been argued that the political space that was often closed down or neglected during the Mbeki years has opened up, but the evidence is too uneven to support this claim. Others argue that the ANC has failed to capture the moment and business continues as usual, indicating that Polokwane brought little more than an internal regime change. What is clear is that the ANC's internal battles have highlighted the threats posed to democracy by dominant-party rule, allowing the ruling party to meddle with institutions to achieve narrow goals that are not necessarily in the broader interests of the nation.

In chapter one, Aubrey Matshiqi analyses the relationship between dominant-party rule and democracy. Although he distinguishes between democratically sanctioned single-party rule and forms of single-party government that are imposed on citizens, he emphasises that the former can yield undemocratic outcomes and cautions

against the tendency, in periods of prolonged single-party rule, to equate the party's interests with those of the nation.

Matshiqi looks at South Africa in the context of liberation movements across the African continent, examining both the similarities and differences. The most significant difference is that "South Africa's political settlement was modeled on the institutional imperatives of the liberal-democratic 'second wave' of democratisation in Eastern Europe, Latin America and Africa ... (resulting in) the rule of law and supremacy of the constitution second only to a few states in the liberal-democratic world". Where South Africa resembles other post-independence African states, however, is in the tendency to see the ANC as "a vehicle for capturing the state", leading to patronage and corruption, as well as threats to the stability and credibility of institutions. Matshiqi also explores the internal tensions that liberation movements face as they try to redefine themselves as modern political parties and standard-bearers of an incomplete liberation.

Matshiqi's chapter highlights the key issues facing South African democracy amid continuing dominant-party rule. Among his themes are the conflation of state, party and society; the capture of the ruling party by political and business elites; and the compromising of the independence of state institutions as they become accountable to the party rather than the people. He points out that post-colonial single-party dominance does not invariably result in failure. Citing the reinvention of liberation movements in India and Nicaragua as modern political parties, he suggests that the ANC should embrace modernity and internal democracy to connect with citizens and remain politically relevant.

Dealing with some of the conceptual issues relating to democracy, he emphasises the importance of taking history and context into account in understanding South Africa's democratic system, and highlights how race shapes expectations. He identifies as a key requisite of democracy in South Africa the "antithesis of apartheid authoritarian rule" – ensuring that groups do not feel excluded from policy processes. He identifies three important variables that will foster the deepening of democracy in South Africa: a plurality of socially constructed expressions; bridging the gap between the procedural and substantive aspects of democracy; and institutional certainty.

The economic policies and development path adopted by the government are obviously central to the question of under-development. South Africa's developmental strategies have followed a number of trajectories since 1994. In the mid to late 1990s, the government oscillated between the Keynesian-style RDP and the more neo-liberal Growth, Employment and Redistribution (Gear) policy. In recent times, the idea of the developmental state has been put forward to indicate a radical shift from the failed development policies of the past. The phrase "developmental state" has become the favoured formulation to express the developmental goals of government, the ANC and its alliance partners, the South African Communist Party (SACP) and the Congress of South African Trade Unions (Cosatu). Politicians, ministers and political leaders often cite it as a panacea for South Africa's economic ills. Is this a

cynical attempt to repackage existing policies or a genuine attempt to break with the past and fashion a more pro-poor development path?

In chapter two, Samantha Ashman, Ben Fine and Susan Newman explore the concept of the “developmental state” as it relates to South Africa. They outline the historical precedents for the term as it was applied, in hindsight, to the developmental achievements of Japan and the newly industrialising countries of East Asia at a particular point in time.

Before assessing how closely South Africa follows the developmental state paradigm, the authors provide a lucid critique of the developmental state model, pointing to its analytical flaws and limitations in conceptualising the relationship between the market and the state. They argue that it needs to incorporate a broader view of development that corrects the duality between market and state and addresses the relationship between class and state over time. They also contend that the developmental state paradigm should be broadened beyond industrial policy to include agriculture, health and welfare, among other areas.

Ashman, Fine and Newman go on to argue that post-apartheid South Africa has in fact moved away from a developmental state model, because of its continued adherence to historical patterns of development based on the minerals-energy complex. This is defined as a complex interaction between a core set of industrial sectors and a partnership between the state, state capital and private capital that has survived and prospered because of economic policies in the post-apartheid period that favour the interests of conglomerate capital over a new developmental path. The authors argue that post-apartheid measures, such as Gear, have facilitated the smooth exportation of capital, denying the country valuable domestic investment that might facilitate the creation of a developmental state. They write:

*In each of these respects, then, the South African state in the post-apartheid period has been the antithesis of a [developmental state] harnessing funds for investment, preferring to adopt neo-liberal economic orthodoxy in deference to private capital's global goals, rather than coaxing or coercing private capital to invest in order to achieve economic growth and structural transformation.*

It is, therefore, “farcical” for South Africa to preach the developmental state model when its macro-economic policies suggest the opposite. To move towards such a model, a radical departure from current macro-economic policy is required that would prioritise the welfare needs of the majority of South Africans over the interests of capital. Although Zuma’s government has alluded to the need for change, it has so far seemed to be paying lip-service to economic reform, making no substantive changes that would point to the creation of a developmental state.

There is evidence to suggest that poverty, inequality, lack of economic growth and poorly distributed growth are inhibiting the exercise of democratic rights. Inequality, for example, has obvious implications for social cohesion and other negative

consequences for the quality of democracy, including “decreased electoral turnout, depressed political engagement, and higher rates of crime including homicide”.<sup>3</sup> Studies have also shown that it fuels support for “populism, personalism, human rights abuses and the acceptance of authoritarian rule”.<sup>4</sup>

The link between poverty and the quality of democracy has always been clear. Citizens need political rights and functioning democratic processes to put pressure on the government to deliver basic services and voice their displeasure about economic policies that fail to address their needs. Conversely, citizens are inhibited from participating in these processes and voicing their concerns in appropriate and varied forums at least in part due to material hardships in their everyday lives.

While simple electoral voice may not be sufficient to transform economies, democracy offers governance, fosters institutions and creates a space for civic mobilisation. It creates an advantage for promoting economic development. The potential benefits of democracy on economic development are apparent.<sup>5</sup> Yet this interface is not one-sided. Endemic poverty has dis-benefits for democracy as it can lead to social instability; it disconnects citizens from the government and leads to the alienation of the poor. It prevents citizens from voicing their concerns within the dominant development and democratic processes that exist. Access to adequate health care, transport, water, electricity and housing are among the fundamental material requirements that allow citizens to substantively participate in democracy in a way that ensures that government listens to them.

Chapter three provides a statistical analysis of poverty, inequality and growth in South Africa since 1994. Haroon Bhorat and Carlene van der Westhuizen use Income Expenditure Survey data to provide a rigorous analysis of changes in growth, inequality and poverty between 1995 and 2005, giving a clear assessment of what has been achieved and the remaining challenges after the first decade of democracy. The authors particularly focus on identifying whether growth during this decade has been “pro-poor”. One of the more reassuring results is that overall there has been a moderate decrease in poverty both in absolute and relative terms, and that Africans have been the largest beneficiaries of this shift. However, they still comprise a disproportionate share of South Africa’s poor people. In 2005, Africans represented 79% of the population, but 93% of the population living on less than R322 a month, while whites comprised 10% of the population and just 1% of the poor. Female-headed households were at least equal beneficiaries of gains in poverty reduction compared with their male counterparts.

The results for income inequality are less positive. Overall, inequality has risen in the first decade, making South Africa “one of the world’s most consistently unequal countries”, although inequality among Africans has remained relatively unchanged over the decade. The authors contend that it is mainly income inequality between racial groups, rather than within racial groups, that is causing the rise in aggregate income inequality in South Africa. Some of the growing income inequality is explained with reference to the distribution of positive growth achieved over the decade. All South Africans experienced positive growth in their levels of expenditure, with those

at the very top and bottom of the distribution experiencing the highest levels. However, growth among the wealthy has outstripped that of the poor, fuelling inequality. The authors conclude that “growth may have been pro-poor in the absolute but not in the relative sense”.

Bhorat and Van der Westhuizen set out to explain the increases in expenditure by poor households by looking at the distribution of social grants and their contribution to household income. Social grants accounted for between 50% and 60% of household income in the bottom three deciles for 2005, compared with 35% in 1995. The authors believe that this rapidly widening state social security system accounts for much of the expanded expenditure of the poor.

They also contrast this with the phenomenal increase in expenditure of South Africans in the 80<sup>th</sup> percentile and above, observing “that this trend shows higher returns for whites and coloureds ... a stark reminder both of the distributional consequences of economic growth and its powerful racial manifestations”.

As South Africans are repeatedly asked to make compromises and accept policies designed to accommodate a higher growth trajectory, the authors’ analysis suggests that we need to question how the benefits of growth are distributed, and evaluate whether the trade-offs for achieving such growth are justified. Any assessment of growth, the authors point out, should be based on how income, assets and opportunities are distributed.

It follows from this analysis that the most significant factor in poverty alleviation is the creation of a viable public service. Access to affordable basic services such as water, health care, electricity and housing are not just basic rights – they are vital in combating poverty. Unsurprisingly, the delivery of services is one of the most volatile political issues of the day. The generally poor state of the public service has contributed to much of the social instability in South Africa post-1994, which often takes the form of protests against the lack of public service “delivery”.

Sensing the urgency of the issue, Zuma’s government has become more vocal about the shortcomings of the public service and committed itself to reforming the system. It is too early to say if these measures will take root, but the government’s response shows that it grasps the implications of service delivery for the stability of South African society – never mind the outcome of municipal elections in 2011.

In 1994, the ANC government inherited a public service based on the British model that was outdated, corrupt and inefficient, providing limited, inferior and discriminatory services. In chapter four, Raenette Taljaard looks at both the changing attitudes in government towards the public service and whether the latter has internalised the values of New Public Management (NPM). Taljaard argues that the public service since 1994 has undergone various phases of restructuring, including rationalisation and policy development and the current phase of modernisation and implementation. Although the relevant legislation has been revamped to enable it to perform, and the Public Service Commission (PSC) has provided effective monitoring and evaluation, the public service still faces significant challenges. These include racial

transformation, improved efficiency and effectiveness, institutionalising the values of the NPM, a severe skills shortage and the challenges of corruption, particularly those that arise from public officials doing private business with the government.

The most pressing issue is the creation of a single public service. The government hopes that this will create a “single window” for the provision of a range of services and consolidate the three spheres of government – local, provincial and national – to ensure their co-ordination. However, opposition parties have criticised the creation of a single public service on the grounds that it centralises power, perhaps in breach of the constitutional provisions on the powers of provincial and local government, and will allow the ANC-controlled national bureaucracy to undermine opposition electoral gains at local and provincial levels.

Taljaard also alludes to recent developments that have the potential to affect service delivery, including the creation of separate ministries dealing with national planning and monitoring and evaluation. These create significant possibilities for greater oversight and efficiency in the public service, but the author cautions that their roles will have to be clearly defined to ensure that there is no overlap with the constitutionally created PSC and that appropriate channels of communication must be found to facilitate collaboration.

Taljaard concludes her assessment by warning:

*What must not be lost sight of is that a robust public service is the thin line between service delivery and societal anarchy and anger. The rampant protests engulfing a promising young democracy trying to bring real change to citizens trapped in systemic social exclusion and poverty, which marred its past, cannot be allowed to be the hallmark of the future.*

The role of institutions and their health is another important indicator of the quality of democracy – political institutions play a critical role in deterring the centralisation and misuse of executive power. The strengthening and independence of both formal and informal institutions – civil society, a free press and a functioning education system – are central to ensuring that a democratic culture prevails. Informal institutions play a significant role in ensuring that institutions such as the judiciary and the Reserve Bank play an independent role, and in checking the concentration of executive power.<sup>6</sup>

Recently, the ANC’s internal battles have led to controversies over political interference in the work of the National Prosecuting Authority (NPA), the National Intelligence Agency (NIA) and the now defunct Directorate of Special Operations (the “Scorpions”), as well as attacks on the judiciary. This suggests that South Africa’s democracy faces a range of challenges in strengthening state institutions. The ANC’s practice of cadre deployment – which rewards party loyalty over fitness for the job – means that political allegiance is allowed to compromise and undermine the effectiveness of state institutions.

In chapter five, Pierre de Vos studies four vital institutions in South Africa and how they measure up in the consolidation of the democratic order: Parliament; the judiciary; the National Prosecuting Authority (NPA); and Chapter Nine institutions, which include the South African Human Rights Commission, the Public Protector and the Auditor General. Given that most state institutions had almost no credibility during apartheid, a central goal of the architects of South Africa's new order was the transformation of institutions and the creation of new ones to move the country towards an open democracy based on human rights and human dignity, one which provides recourse when citizens' rights are violated.

De Vos highlights some of the recent controversies surrounding the selected institutions and explores the structural and procedural problems that have prevented them from delivering on their mandate. A key theme is that the current dominant-party system, coupled with an electoral system that chooses representatives of provincial legislatures and Parliament from party lists rather than by direct election, makes legislature members accountable to their parties rather than the people. This also allows for an excessive concentration of executive power and dilutes the checks and balances necessary for the effective functioning of representative institutions. De Vos describes how the system affects Parliament:

*Because members of the executive are usually senior members of the governing party and also serve in Parliament, more junior members of the governing party are often required to oversee and hold to account members of the executive who are also party leaders ... because of a tradition of strict party discipline requiring members of Parliament to toe the party line, it may be difficult for Parliament to exercise its oversight mandate over the executive.*

He also highlights the problem of political interference, arguing that the wide interpretation of laws governing the NPA has allowed for political meddling in its affairs, both in its treatment of high-profile political cases and the president's appointment of the National Director of Public Prosecutions (NDPP). De Vos remarks:

*Despite all the safeguards built into the Constitution and the NPA Act, a perception has taken hold that they have not enabled the NPA to do its job without fear, favour or prejudice. As events have shown, political interference is one of the biggest stumbling blocks in the prosecution of the most serious crimes. The circumstances surrounding the suspension and firing of former NDPP Vusi Pikoli, and the dropping of charges against President Jacob Zuma, suggest that the somewhat circumscribed independence of the NPA has come under severe strain in recent years because of outside interference.*

He also finds that the tendency to favour the ANC's interests has led to the increased centralisation of power in the executive and eroded the institutional capacity to counteract this centralisation. While these deficiencies do not amount to institutional

failure, there has been a deviation from the intended goals of the institutions, whose weaknesses have come under the spotlight.

As mentioned above, informal institutions are as important as formal ones in ascertaining the quality of a democracy. Not only is civil society an essential component of any democracy, it is also a barometer of its health, as it reflects the level of citizens' participation in decisions that affect their lives. Civil society acts as a conduit between citizens and decision-makers, so that citizens participate in the making of decisions rather than being mere recipients of them.

In chapter six, Steven Friedman provides a wide-ranging analysis of civil society in South Africa. Underscoring the relationship between civil society and democracy, he argues that the test of the health of a democracy is the degree to which all citizens participate in it. However, he cautions against assuming that civil society is the sole vehicle through which the citizen's voice can be heard. He spells out the limits of civil society in relation to its depth (representation of citizens) and breadth (representation of viewpoints), stating that "... the deeper and broader civil society, the healthier the democracy".

Friedman finds that although South African civil society incorporates a significant breadth of views, it lacks depth – that is, a major constituency among the poor. This he labels its "shallowness". Although it has fairly strong links with the government and in some instances can influence or alter government policy, civil society's shallow representation prevents it from adequately internalising the true needs of the poor.

Friedman's example of the shallowness of civil society in dealing with poverty reduction is particularly effective in capturing the relationship between poverty alleviation, civil society and government policy, and highlighting the interrelatedness between the development and democracy processes. Friedman argues that because civil society is insufficiently representative of its constituency, a mismatch has arisen between policy and the needs of the poor. Civil society organisations that deal with poverty issues are unable to act appropriately on behalf of the "voiceless" poor, leading to a disjunction between their needs and concerns and the policies devised to deal with them.

One of the most important points Friedman makes is the importance of constitutional democracy to the continued existence of civil society in South Africa. He alludes to the fact that civil society does not pay adequate attention to basic rights under the Constitution to act and speak freely, and pays little attention to matters such as the independence of the judiciary, a free media and the independence of academic institutions. These, Friedman argues, comprise the cornerstone of the democratic environment required for civil society to function effectively.

He recommends that civil society in South Africa should focus less on its relationship with government, and instead seek strategic openings to influence government decisions while building social alliances and creating a moral consensus in society.



# 100 Questions – Contextualising Idasa’s Democracy Index

In the second section of the book, we revisit Idasa’s Democracy Index, developed by Robert Mattes and Richard Calland. This is Idasa’s third attempt to assess the depth of democracy in South Africa using an index with 100 questions on democracy. While earlier versions of the Index used up to 150 questions, the 2005 Democracy Index, published in *Democracy in the Time of Mbeki*, edited by Paul Graham and Richard Calland, reduced the number of questions to 100. In the 2010 Democracy Index we retain the 100 questions used in the 2005 book. However, since each compilation of the Index has used a unique methodology to answer the questions, each set of results stands on its own and is not suitable for statistical comparison across years.

One of the main goals of the Democracy Index is to assess South African democracy on the strength of its proximity to a broad definition of popular self-government. We expand on this definition by posing the following three questions about democracy:

- To what extent does the political system in a particular country enable its citizens to build popular, accountable and sustainable self-government?
- To what extent can citizens influence and control those who make decisions about public affairs, including elected representatives and government appointees at all levels?
- To what extent do citizens enjoy equality with each other in these governance processes?

To enable the Index to tackle these questions, it is divided into five sections: participation; elections; accountability; political rights; and human dignity with each capturing aspects of the principles outlined above. The section dealing with participation evaluates the “popularity” of the democratic system – whether it represents the will of the people. Are citizens willing and eager participants in the democratic system, and do they accept collective decision-making under democracy? The elections section looks at whether South Africans are able to select the legislators and public representatives they want and how equal they are in this process. It interrogates the freedom, fairness and frequency of South African elections.

The section dealing with accountability seeks to assess the responsiveness of elected and appointed representatives in institutions between elections, and questions the degree to which South Africans can hold elected representatives to account outside elections. The political freedom section evaluates political rights and civil liberties in the country and the extent to which citizens can gain access to information, inform themselves, express views and engage other citizens and the government without fear of reprisal. Finally, the human dignity section deals with the extent to which citizens are excluded from participating in democracy as a result of poverty, unemployment and inequality, among other conditions. It attempts to understand how citizens can exercise control over decision-makers and, through them, over the development process, to ensure adequate socio-economic delivery.<sup>7</sup>

The Democracy Index is intended as a tool for unpacking and dissecting the details of democracy. It is designed to be accessible to a wide range of people, to stimulate debate and to provide a snapshot of the current state of democracy in South Africa – the key ideas, policies, legislation and practices, and citizens’ experiences of these – as a way of understanding the challenges the country faces. It is also intended as a reference guide for researchers, academics and analysts, a tool that assists in the advancement of the study of democracy. Section authors have provided extensive detail of case studies, papers, newspaper articles and government reviews, and these are captured in the endnotes.

Previous versions of the Index were written by people outside Idasa. However, this time we decided to ask external analysts and academics to write the chapters that provide a broad overview of democracy, while conducting research for the Democracy Index in-house, using a team of researchers and analysts from Idasa’s Political Information and Monitoring Service (PIMS). PIMS analysts were asked to provide a numerical ranking for each question, which should be seen as an individual assessment rather than a precise, scientific approach. The purpose of the scores is to ignite debate and help readers make their own assessments based on the information available.

The authors were asked to score each question between 1 and 10. We asked them to use the following guide: 1- 4 means inadequate or falling short of the democratic ideal; 5 stable but insufficient; 6 stable and adequate; 7 improving; and 8-10 excellent and as close to the democratic ideal as possible. Authors were also encouraged to weight their scores, differentiating between procedural forms of democracy and substantive access to rights and treating the latter as more important. Average scores at the end of the sections, and of the entire index itself, cloud the wide variations within and across sections and provide an indicative summary rather than a definitive grade.

### *Participation*

In section one, Kate Lefko-Everett contends that, after 15 years of democracy, South Africans share a relatively high level of national identification and believe that the Constitution expresses the hopes and values of citizens. According to Lefko-Everett, there is relatively broad consensus that the identity of the South Africa “nation” is firmly grounded in the values of the Constitution, which includes the attainment of equality, human dignity, non-racialism, non-sexism, the rule of law and an accountable and responsive system of democratic governance.

However, Lefko-Everett presents significant evidence of deterioration over the past five years in aspects of South Africa’s democracy, including citizens’ confidence in government, the strength of public institutions, the integrity of political leadership and the overall health of democracy. This is placed in the context of a series of significant political events, starting with the 2005 dismissal of Jacob Zuma as Deputy President in response to allegations of fraud and corruption. In the ANC, this sparked a fierce political contest between Zuma, South Africa’s current President, and the former president of the country and the ANC, Thabo Mbeki.

Lefko-Everett notes that concurrent events in the public sphere – including the controversial disbanding of the elite crime-fighting unit, the Scorpions, criminal charges against Jackie Selebi, the National Police Commissioner, the dismissal of Vusi Pikoli, head of the NPA, and the NPA's decision to withdraw all charges against Zuma – have cumulatively had a “destabilising effect, provoking insecurity among citizens”. Public opinion surveys reflect this worrying decline in “confidence around the health of South Africa's democracy in practice”. According to Lefko-Everett, this decline has implications for citizens' perceptions of the legitimacy of government and compliance with the rule of law.

Furthermore, while many citizens are interested in politics and governance, they also feel their “views and concerns are not sufficiently taken into account by elected representatives and ultimately, do not think they can have an impact on collective decision-making”. Citizens are, therefore, “increasingly articulating their concerns outside of formal or government-provided channels: for example, through the substantial rise in protests in recent years”.

Lefko-Everett suggests that levels of intolerance among South Africans are “worryingly high”, as evidenced in public assaults on women, gay and lesbian people, and immigrants and refugees. Immigrants, particularly those from African countries, have been the target of vicious attacks, particularly during the wave of xenophobic violence that swept South Africa in May 2008. She also suggests that “South Africans remain fundamentally distrustful of those around them”.

She concludes that the change in government presents an “opportunity for the new administration to reinvigorate engagement with citizens by, for example, dedicated efforts to improve opportunities for public participation and to demonstrate that citizen input is taken into account”. Nevertheless she cautions that “... enormous strides will be required to address the fundamental causes of current levels of citizen discontent, including perceptions around the pace of service delivery and greater transparency and accountability on the part of government”.

### *Elections*

In section two, Justin Sylvester and Paulos Eshetu examine the country's electoral system and its related institutions. Analysing the past four elections, they find that South Africa enjoys a strong electoral system that has delivered free and fair elections despite being a divided society with significant levels of political intolerance. In their view, much of this is due to the work of the Independent Electoral Commission and the consistently high levels of electoral participation by South Africans. They conclude that “... elections in South Africa seem to enjoy high levels of public trust and legitimacy – more so than most of South Africa's democratic institutions”.

The section makes two other important points. The first is that although South Africa has a proportional representation system that promotes multiparty democracy, political parties appoint legislators based on a closed party list system. This means that rather than being accountable to citizens, national and provincial representatives are beholden to their political parties. The system fosters an environment in which

legislators are appointed more because of their political standing in their party than because of their expertise or performance as elected public representatives. This, the authors say, creates an “accountability deficit”.

Sylvester and Eshetu’s second argument relates to the funding of political parties. South Africa has no legislation that regulates the private funding of political parties, and this, the authors say, exposes the political process to corruption through election donations. Such an unregulated environment undermines the political influence of citizens by allowing private donors to trade donations for favours. The authors also point out that this creates opportunities for corruption in state institutions and state-owned enterprises, whose resources can be redirected to party coffers. Unregulated private funding creates a “transparency deficit”, the authors argue.

The authors call for the reform of the electoral system to allow for the direct election of legislators and their accountability to their constituents. They also call for the regulation of private political party funding, arguing that politics and capital converge in this unregulated space, often to the detriment of ordinary citizens who have little or no access to elected representatives. This, in turn, reduces the democratic space for citizens to engage and participate between elections, weakening their capacity to influence governance and policy.

### *Accountability*

The starting point for Gary Pienaar’s discussion in section three is the need for continuing and multiple forms of accountability in a stable and thriving democracy. Pienaar contends that public officials should be accountable for their performance and dealings with the private sector to ensure that the central values of the democratic project – government of, by and for the people – are observed in practice.

The section considers the vitality and adequacy of institutions set up to promote and ensure accountability, including the prescribed role and actual functioning of Parliament as a lawmaking and oversight body which now has the power to shape the Budget. Pienaar examines the quality of public access to and participation in Parliament’s activities, access to the information essential to making accountability real and participation meaningful, the adequacy of institutional mechanisms to ensure ethical performance of public responsibilities, and the independence of other oversight institutions such as the courts and the media. He also briefly considers the government’s ability to influence the domestic policy environment.

Pienaar notes many disappointments, punctuated by encouraging affirmations of the value of vibrant democratic institutions. He surmises that while the 2009 elections were technically exemplary, the opaque relationship between political and financial power remains a central concern requiring urgent regulation. At critical points, choices have been made about leaders’ accountability that seem to be mainly driven by political considerations. These threaten to weaken vital institutions, such as the courts, the prosecuting authority and the presidency. The accountability of lawmakers

has been strengthened by the scrapping of floor-crossing legislation, but the loyalty of public representatives is largely to their parties, rather than voters.

Pienaar points out that greater vigilance will be required as Parliament exercises its new powers to shape the Budget. These will require close attention as legislators are increasingly exposed to lobbying and personal and partisan pressures, because of the weak regulation of their outside business interests and receipt of gifts. How Parliament deals with draft constitutional amendments that ignore Constitutional Court rulings or seek to change key features of the political settlement that underpins the Constitution should be similarly scrutinised.

Pienaar also states that the national legislature has yet to exercise effective oversight of public servants' performance, and has not intervened to ensure the enactment of draft legislation to remedy the continued absence of post-employment restrictions. He finds that much-needed legislation to clarify the ethical standards of the judiciary has been clouded by subsequent inaction over the details, and by fears prompted by politically coloured attacks on the judiciary and interventions in judicial appointments.

Pienaar concludes that the political system has not internalised the responsibility of public representatives to account for their actions and performance. The impression has been created that accountability is something that needs to be avoided rather than embraced as an integral part of a democratic system.

### *Political Freedom*

In section four, Shameela Seedat affirms that the political freedoms guaranteed in South Africa's progressive Constitution – including freedom of expression and assembly, the right to participate in political parties and in civil society, and media freedom – are fundamental not just to participatory democracy, but also to individual human development. However, in reality, the enjoyment of political freedoms continues to be impaired by social and economic inequalities, since access to the government, courts, civil society and Chapter Nine institutions continues to be linked to resources.

Seedat recognises that the Constitution provides a valuable framework for addressing important questions relating to political rights. She regards such rights – including the freedoms of expression and assembly – as being highly relevant in contemporary South Africa and important for the advocacy of socio-economic improvements, particularly in the period of perceived political fluidity following the change in government leadership.

However, in addition to the problems of access noted above, she argues that the formal structures associated with political freedoms have not always been supported by constructive government action. She cites the case of the South African Broadcasting Corporation (SABC) which as public broadcaster should play an important role in providing information to assist people in making political choices, but which was susceptible to political interference in the period under consideration.

Other factors affecting the enjoyment of civil and political rights addressed by Seedat include the high levels of private violence, crime and xenophobia, concerns about the representivity of political parties, the level of public participation in government processes, and the “centralisation of power in the hands of the governing elite, especially where business and government interests overlap”.

While recognising that political freedoms cannot be reduced to purely constitutional and institutional considerations, Seedat nevertheless concludes that it is “essential for the maintenance of political freedoms that key institutions such as the courts and Chapter Nine institutions be run independently and progressively, and allow the widest range of citizens’ access”. She argues that even where citizens can exercise agency and use their political rights to bring about change, they must believe that their views and concerns are taken into account in collective decision-making processes.

### *Human Dignity*

In section five, Justin Sylvester and Nonhlanhla Chanza assess South Africa’s democracy in terms of whether it gives citizens a dignified life, as provided for in the Constitution. The section interprets human dignity as encompassing key socio-economic rights, including the rights to basic needs and services, health care, education, poverty alleviation, fair treatment of labour, good corporate governance and the role of private business in the provision of services.

The authors point out that substantial progress has been made in delivering certain basic services since 1994. But although there have been significant improvements in rudimentary water infrastructure, the electrification of households and sanitation, challenges remain. Sylvester and Chanza state:

*Questions have been raised around the quality, affordability and adequacy of services and the efficiency with which they are delivered. Further concerns relate to the perceived unequal distribution of services among communities. There is a growing concern that urban areas, larger towns and suburbs receive better or higher levels of service than semi-urban areas, rural communities and informal settlements.*

As discussed in chapter three, poverty has declined since 1994, but the overall poverty rate remained high in 2005, at 48%. Sylvester and Chanza point to some of the government’s anti-poverty measures, including social grants and the extended public works programme, which have succeeded in targeting women. Malnutrition among children has also fallen dramatically, a development largely attributed to the government’s integrated nutrition programme.

Housing and land ownership are still among the government’s biggest challenges. Although almost 2.3 million housing units have been built since 1994, demand far outstrips delivery. Government housing programmes have come under attack for the poor quality of housing they provide, while slow delivery and poor spacial planning

relegates the recipients of public housing to peri-urban sprawl far from economic hubs. The pace of land reform has been equally slow. Although there has been some land restitution, only 4.8 million of the targeted 24.9 million hectares had been restored to claimants by 2008.

Public health represents one of South Africa's biggest crises. The authors outline the three major challenges facing public health: inequality between public and private care in terms of quality of service and per capita expenditure; the management and the provision of services in the public health system; and finally the HIV/Aids epidemic. It is estimated that five million South Africans are infected with HIV. Of the 1.5 million people in need of anti-retroviral treatment, just over half, or 800 000, were receiving treatment in 2009.

The education system also suffers from major deficiencies. While increased enrolment has been the main achievement of the democratic era, Sylvester and Chanza point to poor management, low teacher morale, decaying infrastructure and poorly planned and executed changes in the curriculum as major shortcomings of the system.

The authors also paint a grim picture of unemployment, which has a disproportionate effect on black people, women and youth. Particularly worrying is the real unemployment rate, which includes discouraged workers. Although the rate of real unemployment is down from a peak of 42.5% in 2003, it remained at 34.1% in 2009.

Concluding, Sylvester and Chanza point out that the idea of human dignity has been incorporated in procedural and legislative processes dealing with socio-economic rights. However, in practice the realisation of these rights is uneven and inadequate. Institutional failures, the continuing legacy of apartheid that is deeply entrenched in institutions and society, and the problems associated with citizens being treated as consumers and passive recipients of "delivery" have undermined the achievements.

The authors believe that what is missing in twinning human dignity and democracy is citizens' ability to demand their socio-economic rights by using democratic institutions. Democracy requires that citizens have access to, and, use democratic space to realise their socio-economic rights, rather than being passive recipients of delivery by the state.

The chapters at the beginning of the book and the Democracy Index suggest that South African democracy is developing slowly, stagnating in many areas and actually regressing in others. The overall picture is one of clogged wheels and significant barriers. While there have been advances in poverty reduction, HIV/Aids treatment, housing delivery and the provision of water and electricity, continuing high rates of poverty, inequality and unemployment remain a challenge for the future. A country with a real unemployment rate of 34% does not have the luxury of a long-term view of democracy. The current global recession continues to erode the economic security of citizens and worsen the material conditions of the poor.

In addition, the political instability created by factional battles in the ANC has contributed to an environment of uncertainty and caution. There is a widespread sense that events may take a turn for the worse if opportunistic tendencies are not contained. The weakness of institutions, xenophobic violence and the abuse of power by elected officials all indicate that the next few years will see considerable challenges to the quality and health of South Africa's democracy. An active civil society and a politicised citizenry are an antidote – yet a truly participatory democracy in certain respects feels as elusive today as it did in 1994.

*Neeta Misra-Dexter & Judith February*  
Cape Town, March 2010

## ENDNOTES

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