

**The democratic consolidation processes in post 1994 South Africa: A historical analysis**

**By**

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## **TABLE OF CONTENTS**

<b>Contents</b>	<b>Page No</b>
<b>Declaration</b>	<b>i</b>
<b>Dedication</b>	<b>ii</b>
<b>Acknowledgements</b>	<b>iii</b>
<b>Abstract</b>	<b>iv</b>
<b>Acronyms</b>	<b>v</b>
<b>CHAPTER 1: INTRODUCTION AND BACKGROUND</b>	<b>1</b>
<b>1.1 Introduction</b>	<b>3</b>
<b>1.2 Problem Statement</b>	<b>3</b>
<b>1.3 Aim</b>	<b>4</b>
<b>1.4 Objectives</b>	<b>4</b>
<b>1.5 Research Questions</b>	<b>4</b>
<b>1.6 Assumption</b>	<b>5</b>
<b>1.7 Justification of the topic and period</b>	<b>5</b>
<b>1.8 Significance of the Study</b>	<b>5</b>
<b>1.9 Definitions of Key Terms and Concepts</b>	<b>7</b>
<b>1.10 Literature Review</b>	<b>14</b>
<b>1.11 Research Design and Methodology</b>	<b>15</b>
<b>1.12 Ethical Considerations</b>	<b>15</b>
<b>1.13 Structure of the study</b>	<b>16</b>

## **CHAPTER TWO: LITERATURE REVIEW**

<b>2.1 Introduction</b>	<b>17</b>
<b>2.2 Steps taken by the ANC led government in establishing democracy since 1994</b>	<b>20</b>
<b>2.3 Types of Democracy</b>	<b>26</b>
<b>2.4 Indicators of consolidated democracy</b>	<b>33</b>
<b>2.5 Economic Indicators on the Consolidation of Democracy</b>	<b>35</b>
<b>2.6 Social Indicators for the consolidation of Democracy</b>	<b>37</b>

## **CHAPTER THREE: METHODOLOGY**

<b>3.1 Introduction</b>	<b>38</b>
<b>3.2 Qualitative Research Methodology</b>	<b>39</b>
<b>3.3 Research Design and Procedure</b>	<b>39</b>
<b>3.4 Case Study Approach</b>	<b>40</b>
<b>3.5 Data Collection Methods</b>	<b>41</b>
<b>3.6 Purposive Sampling</b>	<b>41</b>
<b>3.7 Interviews</b>	<b>42</b>
<b>3.8 Data analysis procedure</b>	<b>44</b>
<b>3.9 Document Analysis</b>	<b>45</b>
<b>3.10 Ethical considerations</b>	<b>47</b>
<b>3.12 Pilot study</b>	<b>47</b>
<b>3.13 Conclusion</b>	<b>47</b>

## **CHAPTER FOUR: DATA PRESENTATION AND ANALYSIS**

<b>4.1 Introduction</b>	<b>48</b>
<b>4.2 Political Findings: A dominant ANC political landscape</b>	<b>55</b>
<b>4.3 Socio Economic Findings</b>	<b>61</b>
<b>4.4 Social Findings</b>	<b>66</b>

## **CHAPTER 5: SUMMARY, STUDY FINDINGS, RECOMMENDATIONS AND CONCLUSION**

<b>5.1 Introduction</b>	<b>67</b>
<b>5.2 Summary</b>	<b>68</b>
<b>5.3 Findings of the Study</b>	<b>69</b>
<b>5.4 Recommendations</b>	<b>70</b>
<b>6 Bibliography</b>	<b>76</b>

**Declaration**

I, **Randima Onndwela**, declare that this research project is my original work and has not been submitted for any degree at any other university or institution. The proposal does not contain other persons' writing unless specifically acknowledged and referenced accordingly

**Student's signature.....Date.....**

## **Dedication**

I sincerely dedicate this Masters Dissertation to my parents, siblings, and friends. Their presence played a vital part in this study. They have been the motivation behind the completion of this dissertation. In fact, there are my God's greatest gifts.

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## **Abstract**

The study examines the process of democratic consolidation in South Africa since 1994. This study unpacks the trends, developments and challenges which have taken place since 1994 towards the entrenchment of democracy in the country. The research will explore the nature of the rule of the ANC in the light of efforts, successes and failures in consolidating democratic rule in the country. The major problem which prompted this study is that, claims of South Africa as a democratic state have not been scrutinised by academics, and this study seeks to question the validity of the phrase “New democracy” which is commonly used by both politicians and academics in referring to the government since 1994. The study will be informed by notions of democracy and will utilise the indicators of democracy to locate whether South Africa can be viewed as a true democracy, or if it offers some elements, but neglecting some of the key components of democracy. The other critical issue will be to determine the extent to which democratic institutions have been strengthened in the country. This will be basically a literature-based study, which depends more on reviewing policies enacted by the government and determining if the policies entail democratic consolidation. The overall assumption is that more still needs to be done towards entrenching democratic institutions that address socio-economic inequalities that persist in the country. Theoretically the study builds from the liberal discourse and its fundamental notions of democracy and good governance

*Key words: ANC and South Africa Consolidation, Democracy, democratic institutions, liberal democracy, New Democracy.*



## **Abbreviations**

ANC	African National Congress
AEB	Afrikaner Eenheids Beweging
AG	Auditor-General
AZAPO	Azanian People's Organisation
BEE	Black Economic Empowerment
CGE	Commission on Gender Equality
COPE	Congress of the People
COSATU	Congress of South Africa trade union
DA	Democratic Alliance
EFF	Economic Freedom Fighters
FF	Freedom Front
GEAR	Growth, Employment and Redistribution
PAC	Pan Africanist Congress
RDP	Reconstruction and Development Programme
SAHRC	South African Human Rights Commission
UK	United Kingdom
WB	World Bank



## **CHAPTER 1: INTRODUCTION AND BACKGROUND**

### **1.1 INTRODUCTION**

The ‘third wave’ of global democratization which swept the world in the 1990s has brought more than 60 countries around the world from authoritarian rule towards some kind of democratic regimes. This is an achievement, but, as noted by Schedler (1998) it has also become apparent that sustaining democracy is often a task as difficult as establishing it. Pressing concerns have quickly arisen about how to strengthen and stabilize these new regimes. Coincidentally, South Africa became independent in 1994, ending centuries of colonial domination. South Africa is a vigorous multi-party and constitutional democracy with an independent judiciary and a free and diverse press. Until 1994, the country was known for apartheid, but remarkably the country managed to put centuries of racial hatred behind it in favour of reconciliation and this was widely considered a social miracle. The highest law of the land is the new Constitution, considered to be one of the most progressive in the world.

The Constitution’s Bill of Rights protects equality, freedom of expression and association, property, housing, healthcare, education, access to information, and access to courts. Protecting those rights is the country's independent judiciary, subject only to the Constitution and the law. Chapter 9 of the South African constitution has institutions, which include, amongst others, the Public Protector, the South African Human Rights Commission (SAHRC), the Commission for Gender Equality (CGE), and the Auditor-General (AG). These are the institutions which see to it that citizens exercise their human rights and ensure peace and safety in the country. These institutions are also the pillars of democracy in South Africa. With 16 parties in parliament, South Africa has a vibrant political system. The African National Congress (ANC) is in the majority, but opposition parties remain robust and vocal. National elections have been held in 1994, 1999 and 2004, 2009 and 2014, to mark twenty years of democracy.

Much scholarly effort (O’Donnell, 1979; Huntington, 1992; Przeworski, 1991; Jung and Shapiro, 1995) has been made to identify dimensions, causes and elements of democratic consolidation after the third wave of democracy brought with it the concern whether the large number of new democracies will endure and become consolidated democracies or regress to authoritarianism or choose other alternatives. Linz and Stepan (1996), and Schedler (1998) have tried to identify the

characteristics of a consolidated democracy. The main theoretical challenge is whether there is any identifiable pattern on the path toward democratic consolidation. Originally, the term "democratic consolidation" was meant to describe the challenge of making new democracies secure, of extending their life expectancy beyond the short term, of making them immune against the threat of authoritarian regression (Schedler, 1998). Gasiorowski and Power (1999) define democratic consolidation as the process by which a newly established democratic regime becomes sufficiently durable that a return to non-democratic rule is no longer likely. Lijphart (1990) argues that democratic politics is not merely a 'super structure' that grows out of socio-economic and cultural bases, but consolidated democracy represents far more than the passage of time and sheer stability in political order. Consolidation, he argues, involves an increasingly principled rather than instrumental commitment to the democratic rules of the game. According to Linz and Stepan (1996: 17), democratic consolidation means that a polity has completed a democratic transition and that its government is ruled democratically.

Thus, the list of problems of democratic consolidation (as well as the corresponding list of conditions of democratic consolidation) has expanded beyond all recognition. It has come to include such divergent items as popular legitimation, the diffusion of democratic values, the neutralization of anti-system actors, civilian supremacy over the military, the elimination of authoritarian enclaves, party building, the organization of functional interests, the stabilization of electoral rules, the routinization of politics, the decentralization of state power, the introduction of mechanisms of direct democracy, judicial reform, the alleviation of poverty, and economic stabilization (Schedler, 1998).

In 2014, South Africa was placed at 5th out of 48 sub-Saharan African countries on the Ibrahim Index of African Governance (IIAG).<sup>1</sup> South Africa scored well in the categories of Rule of Law, Transparency, Corruption and Participation and Human Rights, but was let down by its relatively poor performance in Safety and Security (IIAG, 2014). The consistence of the country in consolidating democracy has been impeded by a number of things which include high crime rate, corruption in government rankings, unaccountability, violence (and xenophobic attacks) and socio-economic inequalities which characterize the South African society. The country has had

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<sup>1</sup> Ibrahim Index of African Governance (IIAG) is an annual statistical assessment of the quality of governance in every African country.

many thousands of popular protests, some violent, making it, according to one academic, the most protest-rich country in the world. There have been a number of incidents of political repression as well as threats of future repression in violation of the constitution leading some analysts and civil society organisations to conclude that there is or could be a new climate of political repression, or a decline in political tolerance.

Nearly 50 murders are committed each day in South Africa. In the year ended March 2009 there were 18,148 murders; in contrast the United Kingdom (UK) had 662 and it is estimated that 500,000 women are raped in South Africa every year with the average woman more likely to be raped than complete secondary school (IIAG, 2014). A 2009 survey found that one in four South African men admitted to raping someone and another survey found that one in three women out of 4 000 surveyed women said they had been raped in the past year (IIAG, 2009). Rapes are also perpetrated by children (some as young as ten). Child and baby rape incidences are some of the highest in the world, largely as a result of the virgin cleansing myth, and a number of high-profile cases (sometimes as young as eight months) have outraged the nation. These disturbing features in the South African society and other issues like xenophobic violence have prompted this study to interrogate the quality of democracy in the country, especially consolidation of democracy.

## **1.2 Problem Statement**

When we talk about consolidated democracy in a government which is independent it must be well structured and strengthened by democratic institutions which are effective. The major problem which stimulated this study is that south African democracy since 1994 it is not well consolidated, its democratic institutions is not in principle .since 1994 not all democratic institutions are effective to an extent which politicians can call it as structured democracy and consolidated. Public protector's office as one of the chapter nine institutions is also one of democratic consolidation tool which need to be examined on its effectiveness.

## **1.3 Aim**

The study examines the process of democratic consolidation in South Africa since 1994 paying special attention at public protector's office as tool of democratic consolidation. The major thrust

is to unpack the trends and developments which have taken place since then towards the entrenchment of democracy in the country.

#### **1.4 Objectives**

To fulfil the above aim, the study will seek to attain the following objectives:

- To explore steps taken by the ANC-led government in establishing and strengthening democratic institutions in South Africa since 1994.
- To critically examine the effectiveness of democratic institutions in South Africa.

#### **1.5 Research Questions**

To achieve the above objectives, the following questions will be addressed:

- What steps were taken by the ANC-led government in establishing and strengthening democratic institutions in South Africa since 1994?
- How effective are democratic institutions established in South Africa since 1994?
- To what extent does South African democracy is consolidated?

#### **1.6 Assumption**

The overall assumption is that more still needs to be done by the ANC-led government, opposition parties and all stakeholders towards entrenching democratic institutions and addressing violence, crime and socio-economic inequalities that persist in the country.

#### **1.7 Justification of the topic and period**

A lot has happened in South Africa since 1994, especially towards the consolidation of democratic institutions in the country. However, little has been written by academics to scrutinize the state of South African democracy. It is in light of this that this study rationally interrogates the state of democracy and the effectiveness of democratic institutions in the country. The period spanning from 1994 to 2014 is also justified as it marks 20 years of democratic transition and it is hoped that 20 years are enough for a country to establish, implement and strengthen policies. It is therefore a justified study to try to take stock of the challenges, failures and successes towards the democratization process in the country.

## **1.8 Significance of the Study**

The discourse of democracy is pertinent to the modern world as all nations are craving for democratic principles of good governance, accountability, responsibility, transparency and regular free and fair elections which depict the will of the people. This makes this study an important inquiry. An investigation into the effectiveness of democratic institutions in South Africa since independence will contribute to the body of knowledge which in-turn enlighten people on how the government is running the country. This is a significant study to the generality of the population, policymakers, opposition parties and the government.

## **1.9 Definitions of Key Terms and Concepts**

### **(a) Democracy**

Democracy suggests a society supported by a wide range of associations and institutions capable of articulating the interests of their members as well as being able to mold and constrain the power of the state (Edozie, 2002). For the purpose of the study, democracy can also be defined as a form of political organization guided by the idea that political domination and government should be grounded in the will of the people. The ruled should also be the rulers and political power should be rooted in, and legitimated by the will of the people (Van Beek and Rusen, 2006).

### **(b) Dominant-party system**

A dominant-party system or one-party dominant system is a system where there is a political party that has successively won election victories and whose future defeat cannot be envisaged or is unlikely for the foreseeable future. A wide range of parties have been cited as being dominant at one time or another, including the Kuomintang in the Republic of China and ANC in South Africa.

### **(c) Parliamentary Democracy**

A parliamentary democracy is a system of government in which populaces elect representatives to a legislative parliament to create the essential laws and decisions for the country. This parliament directly represents the people. In a parliamentary democracy, there is a Prime

Minister, who is first elected as a member of parliament, then elected Prime Minister by the other members of the parliamentary legislature.

**(d) Presidential Democracy**

In a presidential democracy, the leader is called a President, and he or she is elected by citizens to lead the executive branch of government, separate from the legislative and judicial branches.

**(e) Liberal Democracy**

Liberal democracy has its roots in Britain and according to the Cambridge dictionary, it entails that more power should be given to local government instead of central government and it places emphasis on personal freedom and a gradual development towards a fairer sharing of wealth and power within society.

**(f) Elective dictatorship**

This is a government which is elected, but which has won so many votes that it can do what it likes without any checks and balances. This resembles a dictatorship of the majority.

**(g) Constitution**

A constitution is the body of law that is the basic, or fundamental, law of a politically organized society. The Constitution is the supreme law of the political society; it is higher than and takes precedence over all other laws of the society. All the other laws, to be valid and enforceable, must be in accord with the higher and superior law of the Constitution. An official decision of any governmental institution or office must be in harmony with the Constitution, the supreme law of the political community. The legislature, the executive, and the courts must follow the Constitution.

In a society with a genuinely constitutional political regime, the Constitution provides the legal foundation and basic structure, or framework, of the society's government, prescribes the form and procedures of the government, grants certain powers to the government and designates the major organs, or institutions, of government and the method by which the personnel in each are to be selected. It assigns to each major governmental institution its particular area of authority



and responsibility, defines the relationship between the government and the individual citizen as well as the relationships among the principal organs of government, and establishes the metes and bounds of political authority.

### **(h) Constitutional Democracy**

Constitutional democracy is a system of government in which political authority, that is, the power of government is defined, limited, and distributed by a body of fundamental law called 'the Constitution' and the electorate, that is, the general voting populace within the political society has effective means of controlling the elected representatives in the government and holding them accountable (responsible, or answerable) for their decisions and actions while in public office.

### **1.10 Literature Review**

This section will review views of scholars on matters related to democracy and democratic consolidation. In this regard, the types of democracy will be explained to lay the foundations of discussing the democracy which is in place in South Africa. In addition, advantages and disadvantages of the various types of democracies will be explained. Furthermore, the difference between multi-party democracy and dominant-party system will be explained. Also pertinent to the topic are the characteristics of a consolidated democracy, and in this section, scholarly views will be given to show their expression of a consolidated democracy and its determinants or indicators.

#### **1.10.1 Review of Literature on the types of democracy**

##### **1.10.1.1 Parliamentary democracy**

In a parliamentary democracy, you have a Prime Minister, who is first elected as a member of parliament, then elected Prime Minister by the other members of the parliamentary legislature. However, the Prime Minister remains a part of the legislature. The legislative branch makes the laws, and thus the Prime Minister has a hand in law-making decisions. The Prime Minister works directly with other people in the legislature to write and pass these laws. In a parliamentary system, the executive branch derives its democratic legitimacy from, and is held accountable to,

the legislature (parliament) and the executive and legislative branches are thus interconnected. The head of state is normally a different person from the head of government. This is in contrast to a presidential system in a democracy, where the head of state often is also the head of government, and most importantly, the executive branch does not derive its democratic legitimacy from the legislature.

The countries using the parliamentary system are normally constitutional monarchies, which still have a king and queen, like the UK and Sweden, Morocco, Lesotho and Swaziland. In parliamentary systems, the legislature has the right to dismiss or impeach a Prime Minister at any time if they feel that he or she is not doing the job as well as expected. This is called a “motion or vote of no confidence.” In most cases, impeachment is an extensive, certified process which is done when an official is accused of doing something illegal.

One of the commonly attributed advantages to parliamentary systems is that it is faster and easier to pass legislation as the executive branch is formed by the direct or indirect support of the legislative branch and often includes members of the legislature. Thus the executive (as the majority party or coalition of parties in the legislature) has a majority of the votes, and can pass legislation at will. It can also be argued that power is more evenly spread out in parliamentary government.

Some scholars like Linz and Stepan (1996) and Dahl (1976) claim that a parliamentary government is less prone to authoritarian collapse. These scholars point out that since World War II, two-thirds of Third World countries establishing parliamentary governments successfully made the transition to democracy. By contrast, no Third World presidential system successfully made the transition to democracy without experiencing coups and other constitutional breakdowns. A recent World Bank (WB) study found that parliamentary systems are associated with less corruption.

#### **1.10.1.2 Presidential democracy**

A presidential system is a republican system of government where a head of government is also head of state and leads an executive branch that is separate from the legislative branch. The United States, for instance, has a presidential system. The executive is elected and often titled

"president" and is not responsible to the legislature and cannot, in normal circumstances, dismiss it. The legislature may have the right, in extreme cases, to dismiss the executive, often through impeachment. However, such dismissals are seen as so rare as not to contradict a central tenet of presidentialism, that is, under normal circumstances using normal means the legislature cannot dismiss the executive. The president works with a cabinet, which he appoints himself and its main purpose is to serve at the pleasure of the president and must carry out the policies of the executive and legislative branches. Cabinet ministers or executive departmental chiefs are not members of the legislature. However, presidential systems often need legislative approval of executive nominations to the cabinet, judiciary, and various lower governmental posts. A president generally can direct members of the cabinet, military, or any officer or employee of the executive branch, but cannot direct or dismiss judges. The president can often pardon or commute sentences of convicted criminals.

This is the system of government most African countries embraced at independence, but due to the influence of the Soviet Union during the Cold War period, most African presidents turned presidentialism into one-party states and dictatorships, with most presidents becoming executive presidents with more power than originally assumed. At independence in 1994, the Republic of South Africa also adopted presidentialism in the fashion of the USA. In a presidential democracy, the laws that the legislature passes must first go through the president and he can sign them into being law or he can veto them. The President can go to the legislative branch and suggest laws, but they ultimately write them for his approval. Presidential governments make no distinction between the positions of head of state and head of government, both of which are held by the president.

A presidential system has its inherent weaknesses. According to Nelson (2008), the office of the president is essentially undemocratic and presidentialism is worship of the president by citizens, which she believes undermines civic participation. Some political scientists speak of the "failure of presidentialism" because the separation of powers of a presidential system often creates undesirable long-term political jam and instability whenever the president and the legislative majority are from different parties. These critics, including Linz and Stepan (1996), argue that this inherent political instability can cause democracies to fail. Another alleged problem of presidentialism is that it is often difficult to remove a president from office early. Even if a

president is “proved to be inefficient, inert and unpopular, even if his policy is unacceptable to the majority of his countrymen, he and his methods must be endured until the moment comes for a new election.” Most presidential systems provide no legal means to remove a president simply for being unpopular, or even for behaving in a manner that might be considered unethical and/or immoral provided it is not illegal. This has been cited as the reason why many presidential countries have experienced military coups to remove a leader who is said to have lost his mandate.

Furthermore, even when impeachment proceedings against a sitting president are successful, whether by causing his removal from office or by compelling his resignation, the legislature usually has little or no discretion in determining the ousted president's successor since presidential systems usually adhere to a rigid succession process which is enforced the same way regardless of how a vacancy in the presidency comes about. The usual outcome of a presidency becoming vacant is that a vice president automatically succeeds to the presidency. Vice presidents are usually chosen by the president, whether as a running mate who elected alongside the president or appointed by a sitting president, so that when a vice president succeeds to the presidency it is probable that he will continue many or all the policies of the former president.

The major advantage of presidential systems is that, the president is often elected directly by the people. This makes the president's power more legitimate than that of a leader appointed indirectly. Presidentialism is also credited for separation of powers. The presidency and the legislature are two parallel structures and this allows each structure to monitor and check the other, preventing abuses of power. There is also speed and decisiveness because a president with strong powers can usually enact changes quickly. However, the separation of powers can also slow the system down. A presidential system also offers stability because a president, by virtue of a fixed term, may provide more stability than a prime minister, who can be dismissed at any time.

### **1.10.2 Understanding Dominant-party system and Multi-party system**

South Africa follows a multi-party system, but within that multi-partism, the ANC remains the dominant party in the South African politics. There is debate on the benefits and disadvantages of having a dominant-party system. Given that the ANC has been labelled a dominant party in

many circles, it is important to review the advantages and disadvantages of the dominant-party system in light of understanding the quality of democracy in South Africa. Critics of the "dominant party" system argue that the system is flawed and can lead to the dictatorship of the majority. One author argues that the dominant party 'system' is deeply flawed as a mode of analysis and lacks explanatory capacity and it is also a very conservative approach to politics. Its fundamental political assumptions are restricted to one form of democracy, electoral politics and hostility to popular politics. This is manifest in the obsession with the quality of electoral opposition and its sidelining or ignoring of popular political activity organised in other ways. The assumption in this approach is that other forms of organisation and opposition are of limited importance or a separate matter from the consolidation of their version of democracy. One of the dangers of dominant parties is "the tendency of dominant parties to conflate party and state and to appoint party officials to senior positions irrespective of their having the required qualities."

Under authoritarian dominant-party systems, which may be referred to as "electoralism" or "soft authoritarianism", opposition parties are legally allowed to operate, but are too weak or ineffective to seriously challenge power, perhaps through various forms of corruption, constitutional quirks that intentionally undermine the ability for an effective opposition to thrive, institutional and/or organizational conventions that support the status quo, or inherent cultural values averse to change. In some states opposition parties are subject to varying degrees of official harassment and most often deal with restrictions on free speech (such as press club), lawsuits against the opposition, rules or electoral systems (such as gerrymandering of electoral districts) designed to put them at a disadvantage. In some cases outright electoral fraud keeps the opposition from power.

Supporters of the dominant party tend to argue that their party is simply doing a good job in government and the opposition continuously proposes unrealistic or unpopular changes, while supporters of the opposition tend to argue that the electoral system disfavours them because the dominant party receives a disproportionate amount of funding from various sources and is therefore able to mount more persuasive campaigns. In states with ethnic issues, one party may be seen as being the party for an ethnicity or race with the party for the majority ethnic, racial or religious group dominating, for example, the ANC in South Africa (governing since 1994) has strong support amongst Black South Africans.

A multi-party system is a system in which multiple political parties have the capacity to gain control of government offices, separately or in coalition. In the most multi-party systems, numerous major and minor political parties hold a serious chance of receiving office, and because they all compete, a majority may not control the legislature, forcing the creation of a coalition. In some countries, every government ever formed since its independence has been by means of a coalition. Multi-party systems tend to be more common in parliamentary systems than presidential systems, and far more common in countries that use proportional representation.

### **1.10.3 Literature on the indicators of consolidated democracy**

The most widely accepted criteria for identifying a country as democratic have been put forward by Robert Dahl; and he suggested that democracy is measured by the quality of civil and political rights plus fair, competitive, and inclusive elections. Dahl (1976) calls countries that meet these criteria "polyarchies," but they are more commonly referred to as "liberal democracies." According to Linz and Stepan (1996), a democratic regime is consolidated when it satisfies three requirements: which are as follows: a) Behavioural: No political actors attempt to achieve their objectives by creating a nondemocratic regime. b) Attitudinal: A strong majority of the public believes that democratic procedures and institutions are the most appropriate way to govern. c) Constitutional: Both governmental and non-governmental forces are required to resolve conflicts within the bounds of law.

A democracy is considered 'consolidated' when, as Linz and Stepan (1996) put it, it is 'the only game in town.' This means a large majority of the countries' population accepts the democratic institutions as legitimate and thus they exist relatively unchallenged. However, this also means that there must be a strong democratic culture in place as well. Therefore, the population should believe in the basic tenets of democracy and participate in various aspects of civil society. In an attempt to integrate the conditions for consolidation, Linz and Stepan group them under five aspects of consolidated democracy: a free and lively civil society, a relatively autonomous political society, a strong system of rule of law, a usable bureaucracy, and an institutionalized economic society. In their view, a modern consolidated democracy comprises those five major interrelated arenas; each arena needs support from the others or has an impact on the others. The

five conditions provide a systematic measurement of the degree of democratic consolidation and help us to project the prospects for democratization.

For Shin (1994) it is the role of the leadership and their true belief and authenticity to democratic rule is the key element of democratic consolidation. Contrary to Shin and Linz, Diamond (1999) argues that the evolution of democratic political culture determines if there is a fertile ground for democratic consolidation. Linz and Stepan (1996) bemoan the neglect in the literature of the issue of state legitimacy. They argue that it is a fundamental issue since “agreements about stateness are logically prior to the creation of democratic institutions”. That, is the rightfulness of the state cannot be in question if democratic consolidation is to take place, since citizenship is central to it.

Huntington (1968: 34) argues that, to develop a consolidated democracy, “a polity has to undertake political modernization which involves the rationalization of authority, the differentiation of new political functions, the development of specialized structures to perform these functions, and the increased participation in politics by social groups.” Dahl (1976), also points out the importance of six factors in increasing the likelihood of democratic consolidation: concentration in the socioeconomic order, socioeconomic development, inequality, sub-cultural cleavages, foreign control, and the beliefs of political leaders. In the same vein, Vanhanen (1990: 50) utilizes the notion of ‘power resources’ and argues that democratic consolidation occurs under the condition of wide distribution of power resources among various political actors. Garretón (1988) discussing the consolidation of democracy in Latin American countries, argues that consolidation of democracy presents an analytical challenge because it depends on the development model, the relationship between the state and civil society, and the party system and due to crisis in those areas democracies if viable remain in the transition period for a long time.

Consolidated democracy has come to include many conditions rendering the term practically impaired. According to Schedler (1998) the list(s) of conditions are very divergent as items as popular legitimation, the diffusion of democratic values, the neutralization of anti-system actors, civilian supremacy over the military, the elimination of authoritarian enclaves, party building, the organization of functional interests, the stabilization of electoral rules, the routinization of politics, the decentralization of state power, the introduction of mechanisms of direct democracy, judicial reform, the alleviation of poverty, and economic stabilization and at this point, with

people using the concept any way they like, nobody can be sure what it means to others, but all maintain the illusion of speaking to one another in some comprehensible way exacerbating the conceptual fog that veils the term.

In any type of democracy, the basic ingredient or indicator of democracy is the respect of the constitution (constitutionalism). This ingredient relates to how political authority is defined, limited, and distributed by law. Under constitutionalism, the Constitution, the basic law of the political community, defines and limits the power of government and determines the degree and manner of distribution of political authority among the major organs or parts of the government. Political authority is acquired and retained either directly or indirectly as the result of victory in free and competitive elections, and the voting citizenry, through participation in free and competitive elections held periodically, can effectively control their elected representatives and hold them responsible for the consequences of their exercise of governmental power as well as for the manner in which and the purposes for which they exercise that power. Thus, as noted by Barracca (2004), the complexity of the definition of democratic consolidation shows that the term has gained a firm foothold in the vocabulary of comparative politics but unfortunately, the greater frequency of its use has not been accompanied by increasing definitional precision. With all the elements and conditions argued above as Lam (2001) demonstrates with his case study of Hong Kong, there is no blue print for democratic consolidation.

### **1.11 Research Design and Methodology**

Methodology in research implies the existence of a research design or plan which covers all the aspects of the proposed study from the level of problem formulation right through to the presentation of evidence and communication of the research findings (Babbie, 2008). There are two methods of carrying out a research; namely, qualitative and quantitative. Qualitative research is a process of inquiry where a researcher develops a complex and holistic picture of a phenomenon and report detailed experience of informants in a natural setting (Marie, 2007). Qualitative research is also concerned with understanding the perceptions, behaviour and actions of human beings. Quantitative research involves the use of figures and statistics that are interpreted systematically. In quantitative research, information is quantified to show the variance and prevalence of certain observable issues.



This is primarily a literature-based study based on available literature of policies implemented by the South African government towards the consolidation of democracy since 1994. A qualitative and investigative approach will be used in evaluating the extent to which the policies have been implemented. Furthermore, an inductive approach, which leaves an open opportunity for broad phenomenological debates and additional research on the theme, will be employed.

Given the qualitative nature of this study, the researcher will gather information from both primary and secondary sources. Abundant amount of literature on the subject matter exists. Significant primary sources, and most notably the South African constitution and amendments thereof will guide the legal parameters of the study. Additional primary sources will include official government reports, speeches by key decision-makers and policy documents and Commissions directed by the government. Empirical data will be collected from available and verifiable sources. Theoretically: the study builds from the liberal discourse and its fundamental notions of democracy and good governance.

### **1.12 Ethical Considerations**

According to Miller and Brewer (2003), ethics in social research are about creating a mutually respectful relationship in which participants are pleased to respond frankly. Ethics are also about the morals or a code of conduct on what the researcher can and cannot do during the research process. In social sciences, ethics are mainly considered for protecting research objects, whether human beings or animals.

Since this study is basically a literature-based study, ethics to deal with participants are not foreseen. As such, the major ethic to be considered will be academic honesty. The researcher will report all findings accurately, whether positive and negative. Miller and Brewer (2003) notes that concealing information leads to academic dishonesty. Linked to the above, the researcher will also guard against plagiarism. Under no circumstances will the researcher use other authors' work without rightful or appropriate acknowledgement.

### **1.13 Structure of the study**

#### **Chapter one: Introduction and Background**

This chapter introduces the study and provides background information. The problem formulation, aim, objectives and the research questions are also outlined. The rationale of the

study is also clarified and its contributions will be explained. The chapter defines key terms and concepts, showing how they will be used in the study.

### **Chapter Two: Literature Review**

This section will review views of scholars on matters related to democracy and democratic consolidation.

### **Chapter Three: Steps taken to consolidate democracy from 1994**

This chapter will discuss the steps taken by the South African government to consolidate democracy since 1994. Pertinent to the discussion will be the South African constitution and its effectiveness in ending centuries of oppression. Other democratic institutions will also be discussed; including the Public Protector's office, Auditor-General and the South African Human Rights Commission.

### **Chapter Four: Consolidation of Democracy: Prospects and Challenges**

This chapter will explore the prospects and challenges facing South Africa in its quest to consolidate democracy.

### **Chapter Five: Recommendations and Conclusion**

This chapter will come up with suggestions of what can be done to achieve democratic consolidation in South Africa. The conclusion will provide a summary for the whole study and express the researcher's judgment on South Africa's democratic consolidation.

## CHAPTER TWO: LITERATURE REVIEW

### 2.1 Introduction

The thrust of this chapter is to further review literature related to issues of the conception and construction of both the consolidation of democracy in South Africa and how democracy has gone in so far as addressing the political, economic and social needs of the majority. The discussion will take cognizance of the fact that democracy can be read from cultural, sociological, historical as well as literary perspectives. However, this study will largely privilege the literary perspective. The literature review will concentrate on analyzing written literature on (i) the steps taken by the ANC-led government in establishing and strengthening democratic institutions in South Africa since 1994 (ii) the effectiveness of democratic institutions established since 1994 (iii) the extent to which democracy has been established.

### 2.2 Steps taken by the ANC led government in establishing democracy since 1994

#### Definition of democracy

The subject of this research study is the development and consolidation of democracy with specific reference to South African political narratives. From the very onset, it is imperative to acknowledge the diverse nature of this concept in terms of definitional parameters as well as its historical development into a recognized canon. The study therefore prefers the use of the demarcated term 'democracy' to accommodate the various narratives that deal with the period from 1994 to date. Thus Bassiouni, (1998: 4) defines democracy as *“a universally recognised ideal as well as a goal, which is based on common values shared by peoples throughout the world community irrespective of cultural, political, social and economic differences. It is thus a basic right of citizenship to be exercised under conditions of freedom, equality, transparency and responsibility, with due respect for the plurality of views, and in the interest of the polity”*. The present author furthers to explain the ultimate end of democracy by stating *“Peace and economic, social and cultural development are both conditions for and fruits of democracy. There is thus interdependence between peace, development, respect for and observance of the rule of law and human rights”*. The definitions above are very important guidelines into understanding both the nature of democracy in South Africa and its ultimate goal since 1994.

Prothro & Grigg, (1960 :276) define democracy slightly different from Bassiouni with the intention of finding a common denominator in the world of politics. In their understanding 'consensus' is the underlying principle in the understanding of democracy. The authors argue that a successful democracy require a large measure of consensus in any given society. In this explanation certain issues come to the fold such as how political power is to be won, the economic model to be applied and the economic issues to be addressed and also what the society prefers in terms of cultural outlook. Generally the explanation envisages the general imaginations of any given society that is refered to as a nation state and for the sake of the study this definiton will also be very helpful in unpacking the consensus that has been exisiting since the dawn of democracy in 1994 under the ANC led government. It is also important in that it gives opportunities to assess how far the ANC has been able to develop this consensus into public debate to ensure that the general population of South Africa has been well informed.

The ANC (1994) March policy document " THE RECONSTRUCTION AND DEVELOPMENT PROGRAMME-Democratising the State and Society" defines democracy within the context of developmental paradigms. The ANC acknowledges that prior to 1994 South Africa suffered from democracy defeciency as a result of the lack of sincerity and legitimacy of the apartheied government at least to the majority of the constituencies it claimed to represent. The concertration of political, economic and social privileges in the hands of a few whites rendered the state as undemocratic. Thus in this policy document the ANC drew a nexus between developmental considerations and the promotion of democracy. Thus the RPD was aimed at strengthening social democracy through reconstruction and development to a histprically disadvantaged people. In the RDP vision and objectives the ANC outlines the meaning of democracy that is not minimalist " *Reconstruction and development require a population that is empowered through expanded rights, meaningful information and education, and an institutional network fostering representative, participatory and direct democracy*". The ANC furthered that "Democracy requires that all South Africans have access to power and the right to exercise their power. This will ensure that all people will be able to participate in the process of reconstructing our country" and that "Democratisation requires modernising the structures and functioning of government in pursuit of the objectives of efficient, effective, responsive, transparent and

*accountable government. We must develop the capacity of government for strategic intervention in social and economic development. We must increase the capacity of the public sector to deliver improved and extended public services to all the people of South Africa*". It is clear from the above explanations of the objectives of the RDP that according to the ANC democracy was a significant shift from the traditional order of the apartheid regime that was minimalist to include political, economic and social concerns that would empower ordinary South Africans.

In the same context Seekings, (2014: 4) concurs with the ANC on defining democracy in terms of developmental paradigms. However the present author laments that the ANC since 1994 has not done much to that effect thus democracy has not yet been fully consolidated. The author further accuses the ANC on renegeing on its 1994 elections promises that are founded in the RDP manifesto that promised "a better life for all" that promised to attack poverty and deprivation as a priority of a democratic government. This Seekings chronologically cite the manifestos of the ANC since 1994 to date in trying to unpack how the ruling party used cosmetic and colorful nationalist retorts to capture the heart of the electorate yet delivered nothing. For example as Seeking put it "*In the 1999 elections, the ANC campaigned around the general theme that South Africa was, as the ANC put it, 'changing' .. In the 2004 elections, the ANC claimed that it had 'laid the foundation for a better life'. Its election manifesto—entitled 'A people's contract to create work and fight poverty'—emphasised the creation of 'a more caring society' and a 'radical' reduction in unemployment and poverty.. The following year, senior ANC member Cyril Ramaphosa was quoted as saying that new data showed South Africans had 'never had it so good' . In 2006, President Mbeki told parliament that 'between 1994 and 2004, the real incomes of the poorest 20 percent of our population increased by 30 percent'. In 2009, the ANC claimed to have 'pushed back the frontiers of poverty' . Most recently, in late 2012, President Zuma lashed out at reports that income inequality" has worsened since 1994. Inequality, he said, was 'narrowing', whilst poverty in 1994 had been 'worse than what it is now'*".

The ANC in its April (1991) policy document entitled "CONSTITUTIONAL PRINCIPLES FOR A DEMOCRATIC SOUTH AFRICA" envisages a united, democratic, non-racial and non-sexist South Africa, a unitary State where a Bill of Rights guarantees fundamental rights and freedoms for all on an equal basis. The first part of the policy document amongst other

fundamental issues laid the basis of the tenants of South African democracy that envisaged a united South Africa. The second part of the policy document was premised on the nature and components of the State that is informed by the Executive, Judiciary and Legislature. The document is very important because it outlines an interdependent yet independent relationship between these three arms of state to form constitutional democracy and the emergence of separation of powers

## **2.3 Types of Democracy**

### **2.3.1 Parliamentary democracy**

In a parliamentary democracy, you have a Prime Minister, who is first elected as a member of parliament, then elected Prime Minister by the other members of the parliamentary legislature. However, the Prime Minister remains a part of the legislature. The legislative branch makes the laws, and thus the Prime Minister has a hand in law-making decisions. The Prime Minister works directly with other people in the legislature to write and pass these laws. In a parliamentary system, the executive branch derives its democratic legitimacy from, and is held accountable to, the legislature (parliament) and the executive and legislative branches are thus interconnected. The head of state is normally a different person from the head of government. This is in contrast to a presidential system in a democracy, where the head of state often is also the head of government, and most importantly, the executive branch does not derive its democratic legitimacy from the legislature.

The countries using the parliamentary system are normally constitutional monarchies, which still have a king and queen, like the UK and Sweden, Morocco, Lesotho and Swaziland. In parliamentary systems, the legislature has the right to dismiss or impeach a Prime Minister at any time if they feel that he or she is not doing the job as well as expected. This is called a “motion or vote of no confidence.” In most cases, impeachment is an extensive, certified process which is done when an official is accused of doing something illegal.

One of the commonly attributed advantages to parliamentary systems is that it is faster and easier to pass legislation as the executive branch is formed by the direct or indirect support of the legislative branch and often includes members of the legislature. Thus the executive (as the majority party or coalition of parties in the legislature) has a majority of the votes, and can pass

legislation at will. It can also be argued that power is more evenly spread out in parliamentary government.

Some scholars like Linz and Stepan (1996) and Dahl (1976) claim that a parliamentary government is less prone to authoritarian collapse. These scholars point out that since World War II, two-thirds of Third World countries establishing parliamentary governments successfully made the transition to democracy. By contrast, no Third World presidential system successfully made the transition to democracy without experiencing coups and other constitutional breakdowns. A recent World Bank (WB) study found that parliamentary systems are associated with less corruption.

### **2.3.2 Presidential democracy**

A presidential system is a republican system of government where a head of government is also head of state and leads an executive branch that is separate from the legislative branch. The United States, for instance, has a presidential system. The executive is elected and often titled "president" and is not responsible to the legislature and cannot, in normal circumstances, dismiss it. The legislature may have the right, in extreme cases, to dismiss the executive, often through impeachment. However, such dismissals are seen as so rare as not to contradict a central tenet of presidentialism, that is, under normal circumstances using normal means the legislature cannot dismiss the executive. The president works with a cabinet, which he appoints himself and its main purpose is to serve at the pleasure of the president and must carry out the policies of the executive and legislative branches. Cabinet ministers or executive departmental chiefs are not members of the legislature. However, presidential systems often need legislative approval of executive nominations to the cabinet, judiciary, and various lower governmental posts. A president generally can direct members of the cabinet, military, or any officer or employee of the executive branch, but cannot direct or dismiss judges. The president can often pardon or commute sentences of convicted criminals.

This is the system of government most African countries embraced at independence, but due to the influence of the Soviet Union during the Cold War period, most African presidents turned presidentialism into one-party states and dictatorships, with most presidents becoming executive presidents with more power than originally assumed. At independence in 1994, the Republic of South Africa also adopted presidentialism in the fashion of the USA. In a presidential

democracy, the laws that the legislature passes must first go through the president and he can sign them into being law or he can veto them. The President can go to the legislative branch and suggest laws, but they ultimately write them for his approval. Presidential governments make no distinction between the positions of head of state and head of government, both of which are held by the president.

A presidential system has its inherent weaknesses. According to Nelson (2008), the office of the president is essentially undemocratic and presidentialism is worship of the president by citizens, which she believes undermines civic participation. Some political scientists speak of the "failure of presidentialism" because the separation of powers of a presidential system often creates undesirable long-term political jam and instability whenever the president and the legislative majority are from different parties. These critics, including Linz and Stepan (1996), argue that this inherent political instability can cause democracies to fail.

Another alleged problem of presidentialism is that it is often difficult to remove a president from office early. Even if a president is "proved to be inefficient, inert and unpopular, even if his policy is unacceptable to the majority of his countrymen, he and his methods must be endured until the moment comes for a new election." Most presidential systems provide no legal means to remove a president simply for being unpopular, or even for behaving in a manner that might be considered unethical and/or immoral provided it is not illegal. This has been cited as the reason why many presidential countries have experienced military coups to remove a leader who is said to have lost his mandate.

Furthermore, even when impeachment proceedings against a sitting president are successful, whether by causing his removal from office or by compelling his resignation, the legislature usually has little or no discretion in determining the ousted president's successor since presidential systems usually adhere to a rigid succession process which is enforced the same way regardless of how a vacancy in the presidency comes about. The usual outcome of a presidency becoming vacant is that a vice president automatically succeeds to the presidency. Vice presidents are usually chosen by the president, whether as a running mate who elected alongside the president or appointed by a sitting president, so that when a vice president succeeds to the presidency it is probable that he will continue many or all the policies of the former president.



The major advantage of presidential systems is that, the president is often elected directly by the people. This makes the president's power more legitimate than that of a leader appointed indirectly. Presidentialism is also credited for separation of powers. The presidency and the legislature are two parallel structures and this allows each structure to monitor and check the other, preventing abuses of power. There is also speed and decisiveness because a president with strong powers can usually enact changes quickly. However, the separation of powers can also slow the system down. A presidential system also offers stability because a president, by virtue of a fixed term, may provide more stability than a prime minister, who can be dismissed at any time.

### **2.3.3 Opposition Parties**

Dahl, (1973: 2) argues that the role of opposition political parties is an important aspect of democratization. A key characteristic of democracy is the continuing responsiveness of government to the preferences of its citizens, facilitated by opportunities for citizens to formulate their preferences, communicate these preferences through individual or collective action and have these preferences weighed equally in the conduct of government. Jung and Ian Shapiro (1995: 272) further Dahl's argument that the role of opposition is threefold. The first is functional in that should a government lose an election there is the possibility of a peaceful handover of power among elites. Opposition parties are therefore sites for counter-elites to form and campaign as potential alternative governments. Should opposition parties not be perceived as realistic alternatives to the government of the day, the possibility of turnover is diminished and crises for the government are likely to become crises for the democratic state.

The second role of opposition is to legitimize the democratic political order. In this sense institutional space is created to ensure that discontent and dissatisfaction can be directed at the government of the day rather than at the democratic regime itself. So, the right to criticize and compete against the government, to influence legislation and the bureaucracy and to seek recourse through the courts is not forfeited. The third role of opposition is to ensure the presence of healthy political debate. Opposition encourages competition over ideas among elites and counter elites, which leads to demands for reason-giving and coherence in public debate. This, in turn, empowers groups or individuals who have an interest in 'asking awkward questions', 'shining light in dark places' and 'exposing abuses of power'

Brooks, (2004: 1) contends that in any given political space dominant party systems have been problematic and served as antithesis for democracy. The author explicitly argues that the implications of a dominant party system for the successful consolidation of democracy, has long been an issue of interest amongst political scientists in democracies the world over . Brooks furthers that the context in which one party dominates the political landscape and faces little prospect of electoral defeat, then concerns arise surrounding the possibility of declining government response to public opinion; loss of accountability; and the overall erosion of democratic principles and development of authoritarian methods of rule. This account is very reflective of the first decade of democracy in South Africa where the role and effectiveness of a credible opposition were next to none. As a result the present author suggested that there is no doubt that the ruling ANC commanded a legitimate electoral victory in the first decade of democracy. However, surveys of public opinion and voter intentions have suggested that this is not matched by unquestionable voter satisfaction and contentment with the current government and its delivery.

According to the author space, in fact, existed for a political opposition to appeal to the interests of the electorate, not least South Africa's black majority. Be that as it was the absence of a credible opposition, however, South Africans continue to vote largely according to racial identity. This subsequently entrenched the political dominance of the ANC, which was continuously perceived as the party representing the black majority; and thus, spurring the withdrawal from the democratic process of those sections of the electorate who do not identify with the dominant party.

On the other hand, Mottiar, (2015) a different account suggests positive strides on the performance of the opposition in the electoral and democratic landscape of South Africa with the aid of the Democratic Alliance as case study. The author traces the history of the DA as an opposition since 1994 and how the party over the years has managed to make inroads into the ANC's strategic areas in the elections. This has been done through the aid of statistical figures that for example in the 2014 elections the DA won 22.23% of the national vote, a significant increase from its original 1.73% in 1994. The DA's national votes rose from roughly 340 000 in 1994 to 4 091 584 in 2014 with its number of MPs in Parliament rising from 7 to 89. To show DA's progress the author maintains that in the 2014 elections the DA managed to maintain its

grip on the Western Cape province it took from the ANC in 2009 as opposed to other parties like the IFP that lost the traditional support base of KwaZulu Natal to the ANC in 2004

#### **2.3.4 Understanding Dominant-party system and Multi-party system**

South Africa follows a multi-party system, but within those multi-parties, the ANC remains the dominant party in the South African politics. There is debate on the benefits and disadvantages of having a dominant-party system. Given that the ANC has been labelled a dominant party in many circles, it is important to review the advantages and disadvantages of the dominant-party system in light of understanding the quality of democracy in South Africa. Critics of the "dominant party" system argue that the system is flawed and can lead to the dictatorship of the majority. One author argues that the dominant party 'system' is deeply flawed as a mode of analysis and lacks explanatory capacity and it is also a very conservative approach to politics. Its fundamental political assumptions are restricted to one form of democracy, electoral politics and hostility to popular politics. This is manifest in the obsession with the quality of electoral opposition and its sidelining or ignoring of popular political activity organized in other ways. The assumption in this approach is that other forms of organization and opposition are of limited importance or a separate matter from the consolidation of their version of democracy. One of the dangers of dominant parties is “the tendency of dominant parties to conflate party and state and to appoint party officials to senior positions irrespective of their having the required qualities.”

Under authoritarian dominant-party systems, which may be referred to as "electoralism" or "soft authoritarianism", opposition parties are legally allowed to operate, but are too weak or ineffective to seriously challenge power, perhaps through various forms of corruption, constitutional quirks that intentionally undermine the ability for an effective opposition to thrive, institutional and/or organizational conventions that support the status quo, or inherent cultural values averse to change. In some states opposition parties are subject to varying degrees of official harassment and most often deal with restrictions on free speech (such as press club), lawsuits against the opposition, rules or electoral systems (such as gerrymandering of electoral districts) designed to put them at a disadvantage. In some cases outright electoral fraud keeps the opposition from power.

Supporters of the dominant party tend to argue that their party is simply doing a good job in government and the opposition continuously proposes unrealistic or unpopular changes, while supporters of the opposition tend to argue that the electoral system disfavours them because the dominant party receives a disproportionate amount of funding from various sources and is therefore able to mount more persuasive campaigns. In states with ethnic issues, one party may be seen as being the party for an ethnicity or race with the party for the majority ethnic, racial or religious group dominating, for example, the ANC in South Africa (governing since 1994) has strong support amongst Black South Africans.

A multi-party system is a system in which multiple political parties have the capacity to gain control of government offices, separately or in coalition. In the most multi-party systems, numerous major and minor political parties hold a serious chance of receiving office, and because they all compete, a majority may not control the legislature, forcing the creation of a coalition. In some countries, every government ever formed since its independence has been by means of a coalition. Multi-party systems tend to be more common in parliamentary systems than presidential systems, and far more common in countries that use proportional representation.

#### **2.4 Indicators of consolidated democracy**

The most widely accepted criteria for identifying a country as democratic have been put forward by Robert Dahl; and he suggested that democracy is measured by the quality of civil and political rights plus fair, competitive, and inclusive elections. Dahl (1976) calls countries that meet these criteria "polyarchies," but they are more commonly referred to as "liberal democracies." According to Linz and Stepan (1996), a democratic regime is consolidated when it satisfies three requirements: which are as follows: a) Behavioural: No political actors attempt to achieve their objectives by creating a nondemocratic regime. b) Attitudinal: A strong majority of the public believes that democratic procedures and institutions are the most appropriate way to govern. c) Constitutional: Both governmental and non-governmental forces are required to resolve conflicts within the bounds of law.

A democracy is considered 'consolidated' when, as Linz and Stepan (1996) put it, it is 'the only game in town.' This means a large majority of the countries' population accepts the democratic institutions as legitimate and thus they exist relatively unchallenged. However, this also means

that there must be a strong democratic culture in place as well. Therefore, the population should believe in the basic tenets of democracy and participate in various aspects of civil society. In an attempt to integrate the conditions for consolidation, Linz and Stepan group them under five aspects of consolidated democracy: a free and lively civil society, a relatively autonomous political society, a strong system of rule of law, a usable bureaucracy, and an institutionalized economic society. In their view, a modern consolidated democracy comprises those five major interrelated arenas; each arena needs support from the others or has an impact on the others. The five conditions provide a systematic measurement of the degree of democratic consolidation and help us to project the prospects for democratization.

For Shin (1994) it is the role of the leadership and their true belief and authenticity to democratic rule is the key element of democratic consolidation. Contrary to Shin and Linz, Diamond (1999) argues that the evolution of democratic political culture determines if there is a fertile ground for democratic consolidation. Linz and Stepan (1996) bemoan the neglect in the literature of the issue of state legitimacy. They argue that it is a fundamental issue since “agreements about stateness are logically prior to the creation of democratic institutions”. That, is the rightfulness of the state cannot be in question if democratic consolidation is to take place, since citizenship is central to it.

Huntington (1968: 34) argues that, to develop a consolidated democracy, “a polity has to undertake political modernization which involves the rationalization of authority, the differentiation of new political functions, the development of specialized structures to perform these functions, and the increased participation in politics by social groups.” Dahl (1976), also points out the importance of six factors in increasing the likelihood of democratic consolidation: concentration in the socioeconomic order, socioeconomic development, inequality, sub-cultural cleavages, foreign control, and the beliefs of political leaders. In the same vein, Vanhanen (1990: 50) utilizes the notion of ‘power resources’ and argues that democratic consolidation occurs under the condition of wide distribution of power resources among various political actors. Garretón (1988) discussing the consolidation of democracy in Latin American countries, argues that consolidation of democracy presents an analytical challenge because it depends on the development model, the relationship between the state and civil society, and the party system and due to crisis in those areas democracies if viable remain in the transition period for a long time.

Consolidated democracy has come to include many conditions rendering the term practically impaired. According to Schedler (1998) the list(s) of conditions are very divergent as items as popular legitimation, the diffusion of democratic values, the neutralization of anti-system actors, civilian supremacy over the military, the elimination of authoritarian enclaves, party building, the organization of functional interests, the stabilization of electoral rules, the routinization of politics, the decentralization of state power, the introduction of mechanisms of direct democracy, judicial reform, the alleviation of poverty, and economic stabilization and at this point, with people using the concept any way they like, nobody can be sure what it means to others, but all maintain the illusion of speaking to one another in some comprehensible way exacerbating the conceptual fog that veils the term.

In any type of democracy, the basic ingredient or indicator of democracy is the respect of the constitution (constitutionalism). This ingredient relates to how political authority is defined, limited, and distributed by law. Under constitutionalism, the Constitution, the basic law of the political community, defines and limits the power of government and determines the degree and manner of distribution of political authority among the major organs or parts of the government. Political authority is acquired and retained either directly or indirectly as the result of victory in free and competitive elections, and the voting citizenry, through participation in free and competitive elections held periodically, can effectively control their elected representatives and hold them responsible for the consequences of their exercise of governmental power as well as because and the purposes for which they exercise that power. Thus, as noted by Barracca (2004), the complexity of the definition of democratic consolidation shows that the term has gained a firm foothold in the vocabulary of comparative politics but unfortunately, the greater frequency of its use has not been accompanied by increasing definitional precision. With all the elements and conditions argued above as Lam (2001) demonstrates with his case study of Hong Kong, there is no blue print for democratic consolidation.

#### **2.4.1 Elections in South Africa**

Southall, (2013: 97) maintains that elections were symbolic prerequisite of democratic principles particularly in Zimbabwe, Namibia and South Africa as the principal *rite de pasage* in ensuring a political transition from white minority rule to the majority rule. However the present author furthers in illuminating the other dark side of this contour of democracy by presenting elections

as a potential paradox . In so much as elections legitimatised the ANC they came to be viewed as a threat to the existing logic that sustained the ANC. The third wave of democracy in the post Cold War dictated that power is renewed in elections and the loss of elections translate to the loss of power. The author's sentiments on the divergence of historical considerations, that the ANC represented an end to a process and the nation of South Africa, and the third wave of democracy that elections and not the role of the liberation struggle legitimatise power is very important when one considers the dwindling performance of the ANC in the 2014 national and 2016 local government elections. It is for this reason that Southall understanding of elections as a source for power and legitimacy should be considered for the sake of this study.

The present author maintains that the ANC has managed to enjoy electoral hegemony over the last years in its pursuit to consolidate democracy where the ruling party has had to partner with other political players in shaping the political lifeline of South Africa. In this regard Southall(2013) traces the history of elections to the first democratic in 1994 where the ruling ANC was limited by Proportional Representation and falling short of the required two thirds majority . This was a result of significant opposition nationally and regionally for example the IFP in KwaZulu Natal Province predicated on race, ideology, identity and ethnicity. The author aides the contention with the electoral victory of the IFP in KwaZulu Natal in 1994 as an incentive for the party to participate in the transitional talks for a new democratic South Africa it had been opposed to. Thus according to Southall(2013) the ANC has been able to consolidate democracy through coalitions with IFP in KwaZulu Natal and the NP in Western Cape in 2002 for example. In as much as this has smothered down on the ideology of the former liberation movement this has also raised the prospects of constitutionalism and the ideology of a multi racial rainbow nation.

In another assessment of the history of South African elections particularly the first ten years of democracy Friedman, (2005) is of the view that the political order in the country was quite stable given fundamental ethnic and ideological divisions . The author states that in a nation that was deeply divided identically and most importantly governed by a former liberation movement that regards itself as the sole voice of the majority one would have little hope if any that the nation

would be democratic ten years into democracy. However Friedman also took time to expose the other side of the coin and accounted for the darker side of the electoral pattern in South Africa. The author contends that in as much as democracy and elections have very much improved these gains remain unevenly distributed as civil liberties are not always enjoyed at grassroots level. The author maintains this through the term “brown areas” to refer to areas that have not enjoy a fully fledged democratic environment as a result of shackles, vibrant traditional authority or other non democratic powers that still hold sway. Thus participation of the poor is not heard in the elections, experiences and concerns cannot therefore translate into effective policy. Participation remains the province of those with the means to organise elections.

#### **2.4.2 Transitional Justice: The Truth and Reconciliation**

Verdoolaege, (2008) establishes that the TRC was a symbol of liberty that was established to build bridges between the past injustices and a future of forgiveness and unity amongst racially, ideologically divided South Africans. The author suggests that by devoting attention to apartheid victims and perpetrators the TRC embodied a transitional process that would forge national unity and loathe nationalist sentiments. The author traces the legal basis and foundation of the TRC stating that it was called into existence following the Promotion of National Unity and Reconciliation Act No 34 of 1995. The Act stated that the TRC was to “*promote national unity and reconciliation in a spirit of understanding which transcends the conflicts and divisions of the past*”. On the other hand Wilson, (2001) is of the opinion that the TRC was a charade that was more political than it was for nation building purpose. If anything the goal of building bridges, re living the past through memoirs ultimately served the political objectives of legitimacy after years of protracted questions surround the legitimacy of the apartheid government. As such Wilson(2001) contends that Commissions are the main ways in which bureaucratic elites seek to manufacture legitimacy of state institutions. In a transitional period in which is referred to as liminal space<sup>2.3</sup> the core moral values of society would be restored and internalised by those participating in the process.



However the author contends that the TRC was deeply flawed in terms of sincerity as it seemed to have an ambivalent relationship with the legal order. It was more of a charade and talk shop where the commission could not prosecute or carry out any sentences as amnesty Judge Bernard Ngoepe stated “ *The(Promotion of National Unity and Reconciliation) Act does not encapsulate the principles of common law, therefore we don’t find guidance for legal precedent.... I can tell you that I find it strange that I as a judge should listen to the gory details of how someone killed, cut the throat of another person and then ask that I let him go.* Stanley, (2001) occurs with Wilson on the legal paralysis of the TRC with regards to closure of the victims of the past. The authors states that the Truth and Reconciliation Commission (TRC) was heralded as the most ambitious and organised attempt to deal with crimes of a past regime through a concept of truth, came into force on 19 July 1995. Emerging as a political strategy to acknowledge past suffering whilst promoting a future based on the concerns of social justice, the rule of law and reconciliation, the Commission has struggled to fulfil its objectives. This can be traced to the public transition from apartheid, established through a negotiated settlement rather than a revolutionary process, framed the Commission's powers. Thus the Commission avoided an agenda that would subsequently challenge the status quo.

### **2.4.3 Media**

Hadland, (2007) account starts with a historical account of the apartheid era and how the state was repressive in terms of media laws that were unevenly distributed. Hadland argues that For more than a century, the print industry had enjoyed a tightly structured fraternity with barriers to entry as high as the barbed wire fences surrounding the country’s military establishments. In spite of the fact that 80% of South Africa’s population was black in 1994, a genuinely black press had not been allowed to develop. Indeed, laws had been framed during the apartheid era that expressly forbade newspapers and magazines from reporting on black political leaders or parties or even from covering important political and social developments if they occurred in zones designated as black living areas.

The present author further contends that media culture and its trajectories should be assessed against the backdrop of political parallelism in which the author uses the definition and theoretical explanations of Hallin and Mancini. Hadland(2007) establishes that political

parallelism can be viewed as the closeness of the link between media and political systems and further examines the extent to which media systems reflect major political changes in any host country. Furthermore the present author for the sake of advancing the argument uses Hanlin and Mancini to trace the origins of political parallelism to make a case that Hallin and Mancini contend that from the beginning of the print era, and particularly from the time of the Reformation, political advocacy was a central function of the print media. Indeed, by the late 18th century and early 19th century, a new and contrasting model of political journalism began to emerge. According to this new trend, the journalist was seen as the neutral arbiter of political communications “*standing apart from particular interests and causes*”.

According to Hadland & Thorne, (2004) media in South Africa has experienced enormous expansion, diversity and growth in the post-1994 period. The best examples of this, the authors cite, the liberalisation of the broadcast sector (including the creation of almost 100 community radio stations) as well as the birth of a mass print market with the emergence of tabloid newspapers. Government has not missed the potential of the community media and has moved fast to establish links with the sector. The Media Development and Diversity Agency (MDDA) was established in 2004 with the specific purpose of nurturing non-mainstream titles and outlets. A formalisation of the relationship between the state and the community has taken place with a growing and largely unregulated array of contractual and financial relationships between community newspapers, community radio stations and various government departments and agencies.

It has therefore been acknowledged of the newly found and growing influence media was deliberately trying to achieve with all of its titles in Media 24 that : *[Our] “newspapers now increasingly provide a forum for all the larger communities. The lively content reflects a dynamic community adapting to new situations, whilst rediscovering and reinventing itself. [Media24’s] newspapers aim to be a mouthpiece for all opinions, being not only a messenger, but a companion”* (Naspers 2002, 8). In his work on media coverage of South Africa’s Truth and Reconciliation Commission (TRC), Ron Krabill has come across a similar process in which the role of the press is broadening out beyond the traditional liberal notion of the dispassionate eyewitness: “*South African mass media have served as both essential actors in the TRC drama, as well as the stage on which much of the drama has been performed*” (2001, 568). This is

endorsed by Verdoolaege who argues in an article on media representations of the TRC that “*the success and prestige of the TRC of South Africa can largely be attributed to the media attention.*”(2005:181)

## **2.5 Economic Indicators on the Consolidation of Democracy**

### **2.5.1 Economic Policies since 1994**

South African History Online maintains that the thrust on economic policies were against the background of the first democratic elections in April 1994 in which the African National Congress (ANC) won with a majority vote to head the government of national unity. The aim was in order to rebuild and transform the economy after years of apartheid regime’s economic isolation and financial sanctions which were enforced by the international community. The author continues that Reconstruction and Development Programme (RDP) which was part of the election platform of the African National Congress in the 1994 elections was chosen as the primary socio-economic programme. The broader aim of this socio-economic policy was to establish more equal society through reconstruction and development as well as strengthening democracy for all South Africans. The RDP identified five major policy programmes outlined in The White Paper on the Reconstruction and Development Programme, of the ANC, (1995) as follows: create a strong, dynamic and balanced economy; Develop human resource capacity of all South Africans; Ensure that no one suffers racial or gender discrimination in hiring, promotion or training situations; Develop a prosperous, balanced regional economy in Southern Africa; and Democratise the state and society. In short this policy was aimed to address and redress the inherited gross inequalities of apartheid, socially, economically and spatially.

The author continues to state that the RDP was successful not only in the struggle for the consolidation of democracy but was able to establish a sound and effective social welfare state. Put simply “*RDP was successful in some areas such as social security in which the government established a very extensive welfare system. The system catered for the aged, disabled, children in need, foster parents and many others too poor to meet their basic social requirements. Under this programme, free health care programmes were implemented for pregnant women and small children, and free meals were provided for between 3,5 to 5 million school children*”.

Lodge, (2002:54) is also of the opinion that economic growth was closely related to the alleviation of poverty as part of the struggle for the consolidation of democracy to the ANC after 1994. The author argues that the RDP emphasised on two aims and that was the alleviation of poverty and the reconstruction of the economy. However the South African Online History maintains that the RDP did not gather much momentum as expected due to contraining legacies of the apartheid on the perfomence of the economy there was an urgent need to adopt a alternative strategy. The authors work on the RDP is very important and crucial for the research because it gives an insight into the contrainits suffered by the ANC in the struggle for the consolidation of democracy.

Lester, et al., (2014:255-265) the ANC adopt GEAR as an replacement to the not so performing RDP, an economic policy that was neo liberal and would result in the massive cut in government spending but would also result in a steady economic growth projected at 6% per annum. The authors maintain that GEAR was progressively welcomed by the corporate sector in South Africa and foreign economic power and financial institutions. What is more important is the that the authors lament on the negative effects of GEAR on the ability of the ANC to condolidate democracy because of the cut in government spending. The present authors further states that GEAR almost threatened the tripartite alliance within the ANC especially with the labor movement COSATU

The South African History Online maintains that GEAR was replaced in 2005 by the Accelerated and Shared Growth Initiative for South Africa (ASGISA) as a further development on the first two developmental strategies followed post 1994. The present author acknowledges the challenges of prolonged poverty driven by unemployment, and low earnings, and the jobless nature of economic growth, ASGISA envisioned the following aims: Reduce poverty by 2010, and halving unemployment by 2014 from the 28% in 2004 to 14% by 20122; and also recognized that the policies implemented to address these issues needed to be at the forefront of economic policy decision making. According to the author ASGISA builds on the foundations of the RDP's goals of building a united, democratic, non-sexist and non-racial society, and a single integrated economy. While there was some reasonable level of success, the level of Implementation and future of the programme was uncertain as no official word came from the government regarding the fate of ASGISA,

The author also chronologically traces the fall of President Mbeki and the ascension to power of President Zuma and a change in the economic policy of the country stating that *after the fall of president Thabo Mbeki ASGISA was replaced with New Growth Path (GNP) which was announced by Jacob Zuma during which he announced in his 'State of the Nation' address in 2010. GNP recognised that structural unemployment remains extremely high; Poverty continues to afflict millions; Oppression of workers continues; and that the inequalities are now deeper than ever before. In this regard, the GNP was envisioned to accelerate growth in the South African economy, and to do so in ways that rapidly reduce poverty, unemployment and inequality. To help overcome these structural challenges and contribute to the achievement of higher levels of economic growth GNP was seen as a necessary policy.*

## **2.6 Social Indicators for the consolidation of Democracy**

### **2.6.1 Politics of belonging**

Politics of belonging focuses more on legitimacy, authenticity and history with regards to space and resources. It also has to do with struggles around prerequisites of membership around a particular community. Camaroff and Comaroff (2010: 23-25) shed more light on the problem of belonging in South Africa as a factor that has hindered on the consolidation of democracy. In the hey days of apartheid era laws were enacted to restrict Jews to enter the country and however with the passage of time and the change in democracy African nationals were allowed to enter into the country seeking economic fortunes. However the authors maintain there has been a concentrated efforts in demonising these fortune seekers as economic vultures

### **2.6.2 Service delivery protests**

Protests are common in South Africa and these over the years have come to assume a militant and violent nature in recent times however with the effect of casting the country in the most unfavorable light given its history as an apartheid state. The increase in these protests have subsequently given rise to literature on protests (Boysen 2007&2009; Alexander 2010) . Urbanisation, essentially the influx of poor migrants to cities, is prompted by the search for jobs, and therefore is most pronounced in areas of economic growth. But this results in an irony – although service delivery protests are commonly perceived as an indication of a failure of local

government, Municipal IQ has found a strong link between municipal productivity (a measure of local government success) and service delivery protests – those in search of jobs move to successful cities where they perceive there to be economic opportunity. Unfortunately, most migrants find themselves unemployed, living in one of the many hundreds of informal settlements on the periphery of these large metros, effectively marginalised from both access to economic opportunity, as well as housing and services. The rapid growth of informal settlements as well as metros' (until recent) unwillingness to accept them as a permanent reality in their midst has meant a slow response to the service delivery needs of communities in these areas.

### **2.6.3 Xenophobia**

The South African Human Rights Commission (SAHRC) defines xenophobia as the "*deep dislike of non-nationals by nationals of a recipient state*" (South African Human Rights Commission 1998). Whilst such a definition is generally adequate internationally, Harris contends that in the South African context this limited definition is misleading, because xenophobia in South Africa "*is not just an attitude: it is an activity ... it is a violent practice that results in bodily harm and damage.*" (Harris 2002). Patterns of xenophobic hostility thus constitute a violation of the human rights of a targeted and identifiable group that undermines the very values upon which this new democracy is premised.

Much of the analysis of xenophobia has to date focused primarily on the economic and migratory elements of intolerance, arguing that regional migration has increased post-1990 and economic indicators such as unemployment have remained stagnant or deteriorated, which has led to competition amongst the less well off for scarce resources. Claims by the South African on the street that foreigners 'steal jobs' and are 'criminals' are often accepted as the prima facie reasons for general attitudes of intolerance and hostility. These elements certainly explain aspects of this trend; they are however incomplete by themselves and fail to provide a comprehensive analysis of the rapid and degenerative shift in attitudes amongst South Africans, or the racially-defined target of these attitudes.

Valji, (2003) contends that attitudes of intolerance and violence are however not manifesting themselves against all foreigners but, rather, xenophobia in this country has a visible continuity with the past, in that intolerance is targeted exclusively at blacks from other African countries. The author furthers that what characterises this phenomenon as new, however, is that although

attitudes of intolerance are pervasive across all sections of South African citizenry, most incidents of violent attacks have been carried out by black South Africans. Accordingly Valji states that studies reveal that amongst this racial group, there is a stated preference for admitting immigrants from Europe and North America over those from neighbouring Southern African states (McDonald, Mattes et al. 2000). Coupled with this racial differentiation is that the popular press rarely differentiates between 'illegal alien'<sup>7</sup> and other categories of migrant, and as a result studies show that the ability of the average South African to make this distinction is limited (Pigou, Valji et al. 1998). Because the problem of undocumented migrants is portrayed as one of 'Africa flooding across our borders', the inability to distinguish between, or understand, the various migration categories has led to an expressed hatred of all black foreigners as 'illegals'

## CHAPTER THREE: METHODOLOGY

### 3.1 Introduction

The overarching attempt in this study is to understand how democracy has been consolidated in South Africa since 1994 by the ANC led government. This is achieved by researching firstly, the steps taken by the ANC to consolidate democracy and how democracy has been used by the ANC to contest and construct new versions of the nation. Secondly, an inquiry into the effectiveness of this democracy

### 3.2 Qualitative Research Methodology

Qualitative research is more interpretative, dealing more with words rather than numbers as is the case in quantitative research. Compared to quantitative research, qualitative research allows for participant and researcher engagement. Thus its *“privileging of subjectivity is [...] seen in the way that the interpretation of the data is influenced by the researcher’s own biography together with their involvement with people in the study”* (Daymon and Holloway, 2002: 6) . One of the strongest aspect of qualitative research is its inductive than deductive reasoning. This, according to Daymon and Holloway (2002: 21) works in such a way that “you first get ideas from collecting and analyzing the data (that is, you move inductively from specific data to more general patterns and commonalities). You then test these ideas out by relating them to the literature and to your further data collection and analysis (deduction).” This method helps people “make sense of their social worlds and how they express these understandings through language, sound, imagery, personal style and social rituals” (Deacon *et al.* 1999: 6).

This does not mean the method has no criticisms. It has been criticized for being too subjective, non-replicable and generalizable, and largely lacks transparency since it is not always clear how researchers select samples, collect data and analyses them (Daymon and Holloway, 2002). Be that as it may, the “qualitative turn” in the words of Jensen (1991: 1) has provided for what Carey calls “a process of making large claims from small matters: studying particular rituals... conversations... and myths and gingerly reaching out to the full relations within a culture or a total way of life” (Carey, 1989: 49). The distinction between the two strands is a methodological one. A researcher chooses a methodology that best help answer research questions.



Qualitative research is useful in the discovery of how social meaning and social realities are constructed. Here researchers attempt to get a deeper understanding and meaning of the social world. This method is also anchored on the relationship between the researcher and the topic under scrutiny. Qualitative research on the other hand measures and analyses the causal relationships between different sets of variables. These two differ in their analysis, questioning, data collection methods, data produced, flexibility of design etc. Quantitative research usually produces results that are objective and therefore can easily be trusted while in qualitative research comes with a lot of skepticism. However, this could be overcome through such issues as prolonged observation, triangulation, peer debriefing, negative case analysis, coherence in the research processes, and confirmability of the research results. The qualitative method is chosen for this thesis to accomplish the overall intentions of this work and answer the research questions posed in Chapter 1.

### **3.3 Research Design and Procedure**

As already indicated above, this is a qualitative research. The study includes analyzing data material from various sources *between* 1994 and the present on democracy and its consolidation. The researcher's role is that of a dormant participant observer, one whose identity is not known and does not influence the activities that obtain in any of the sources. For instance, in doing research on the interactions, debates and contestations of democracy and the consolidation of democracy, the journalists, editor, columnists and the readers who comment on stories and columns are not aware of the research going on. Simply put, meaningful actions are studied in their natural settings without researcher influence as is the case in non-participant observer research. Qualitative research is descriptive rather than experiential, contextual and purposive to understand human experiences.

### **3.4 Case Study Approach**

Robert Yin defines case study as an empirical inquiry that *“investigates a contemporary phenomenon within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident”*. (Yin, 2003 :13) Stake (1995: xi) sees a case study as *“the study of the particularity and complexity of a single case, coming to understand its activity*

*within important circumstances.*” For the sake of the study the last attempt at defining a case study will be used by the researcher to unpack the study of the consolidation of democracy in South Africa.

Case studies have been found to demonstrate characteristic strengths and limitations. The case study approach has been criticized for its tendency “*to confirm the researcher’s preconceived notions, so that the study therefore becomes of doubtful scientific value*” (Flyvbjerg, 2006: 234). Cases studies, critics suggest, “*often lack academic rigor and are, as such, regarded as inferior to more rigorous methods where there are more specific guidelines of collecting and analyzing data*” (Meyer, 2001: 348). There are many reasons for such criticism. Some reasons may be that there is disagreement among researchers on the definition of a case study, reasons for carrying such a research and whether they are design or data collection procedure or research strategy (Meyer, 2001). In addition, Meyer (2001) claims that the purpose for carrying out a case study remains unclear as some scholars believe case studies are meant to be used as supplements to ‘other’ rigorous studies to be carried out in the early stages of a research or they can be ‘stand-alone’ strategies. Yin (2003: xiii) adds that the case study has been labelled “*a weak sibling among social science methods*”. Case studies are said to take long and result in voluminous amounts of documents which are difficult to decode or help come up with a good theory (Eisenhardt, 1989). Moreover, case studies have been criticized for their failure to be generalized to other cases, when compared to quantitative methods for example. In an article ‘Qualitative data as an attractive nuisance’ Matthew Miles (1979) criticizes qualitative research (including case study) as “primitive, and unmanageable... less well formulated within-site analysis” (1979: 597-599).

### **3.5 Data Collection Methods**

To understand how the issues of consolidating democracy in South Africa are understood this study will employ a few research methods to collect, analyze and interpret the findings. Data collection methods that will be used are qualitative interviews, document analysis and secondary literature. The data collected will be qualitatively interpreted using thematic analysis, which intimately relates to the critical discourse analysis design. Triangulating these methods will not only result in a stronger research design, but more valid and reliable findings in the research.

Moreover, inadequacies of individual research methods are eliminated as they will be catered for by the strengths of others.

### **3.6 Purposive Sampling**

Sampling is a form of data gathering whereby researchers do not make a direct observation of every individual element in the population under research but use a subset of individuals — a sample — and the results therefrom are used to make inferences to the whole population. In both case studies, this research uses non-probability sampling technique. The goal remains the same: “gaining rich, in-depth information” (Daymon and Holloway, 2002: 159). Given the nature of this research it is therefore plausible to employ the judgmental sampling technique. This technique is called purposive or relevance sampling technique (Krippendorff, 2004) and it is a “type of convenience sampling which the researcher selects the sample based on his or her judgement,” (Friker, 2008: 200). Krippendorff further asserts that “*relevance sampling... aims at selecting all textual units that contribute to answering given research questions... [since] the resulting sample is defined by the analytical problem at hand*” (2004: 119). This technique can also be used “in even less structured ways without the application of any random sampling,” (Friker, 2008: 200).

### **3.7 Interviews**

Interviews are a systematic way of talking and listening to people (<http://www.who.int>) and are another way to collect data from individuals through conversations. The researcher or the interviewer often uses open questions. Data is collected from the interviewee. The researcher needs to remember the interviewer’s views about the topic is not of importance. The interviewee or respondent is the primary data for the study. Interviewing is a way to collect data as well as to gain knowledge from individuals. Kvale (1996, p. 14) regarded interviews as “... *an interchange of views between two or more people on a topic of mutual interest, sees the centrality of human interaction for knowledge production, and emphasizes the social situatedness of research data.*” Interviews are ways for participants to get involved and talk about their views. In addition, the interviewees can discuss their perception and interpretation in regards to a given situation. It is their expression from their point of view. (Cohen, et al., 2000: 26) explain “... *the interview is not simply concerned with collecting data about life: it is part of life itself, its human embeddedness is inescapable.*”. There are many types of interviews, which include: structured

interviews, semi-structured interviews, unstructured interviews, non-directive interview. For the sake of the study the researcher will adopt all four of the above and will be partially explained below

i. Structured interviews

A structured interview is sometimes called a standardized interview. The same questions are asked of all respondents. Corbetta (2003:269) states structured interviews are “... *interviews in which all respondents are asked the same questions with the same wording and in the same sequence.*” It would be ideal if questions can be read out in the same tone of voice so that the respondents would not be influenced by the tone of the interviewer (Gray, 2004, p. 215). According to David and Sutton (2004, p. 160) another strength of structured interviews is “Prompting can be included with the questions and if a question is inappropriate, data on why no response was made can be recorded.” Furthermore, non-verbal cues, such as facial expressions, gestures can be recorded.

ii. Semi structured interviews

On the other hand, semi-structured interviews are non-standardized and are frequently used in qualitative analysis. The interviewer does not do the research to test a specific hypothesis (David, & Sutton, 2004, p. 87). The researcher has a list of key themes, issues, and questions to be covered. In this type of interview the order of the questions can be changed depending on the direction of the interview. An interview guide is also used, but additional questions can be asked. The strengths of semi-structured interviews are that the researcher can prompt and probe deeper into the given situation

iii. Unstructured interviews

This type of interview is non-directed and is a flexible method. It is more casual than the aforementioned interviews. There is no need to follow a detailed interview guide. Each interview is different. Interviewees are encouraged to speak openly, frankly and give as much detail as possible. Usually the interviewer has received virtually little or no training or coaching about the interview process and has not prepared much. The interviewers ask questions that respondents would be able to express their opinions, knowledge and share their experience. The strengths of unstructured interviews are no restrictions are placed on questions. It is useful when little or no

knowledge exists about a topic. So, background data can be collected. Unstructured interviews are flexible and the researcher can investigate underlying motives.

iv. Non-directive interviews

In non-directive interviews, there are no preset topic to pursue. Questions are usually not pre-planned. The interviewer listens and does not take the lead. The interviewer follows what the interviewee has to say. The interviewee leads the conversation. The interviewer has the objectives of the research in mind and what issues to cover during the interview. The interviewee is allowed to talk freely about the subject. The interviewer's role is to check on unclear points and to rephrase the answer to check for accuracy and understanding (Gray, 2004 p. 217).

### **3.8 Data analysis procedure**

Qualitative data analysis endeavors to ascertain how participants make meaning of a specific phenomenon by analyzing their perceptions, attitudes, understanding, knowledge, values, feelings and experience in an attempt to approximate their construction of the phenomenon (Maree, 2007). The process of data analysis commenced after the completion of the interviews with all twenty (20) participants. Data was analyzed through the use of thematic coding. Thematic analysis is a method of analyzing, identifying and exposing patterns (themes) contained in the data; it helps the researcher to determine the relationship between the concepts (Alhojaila, 2012). The reason for using themes is that they are best suitable for analysis of an in-depth individual interviews or group interviews. For the purpose of this study it was applicable as it enabled the researcher to acquire in-depth information from the responses given by the respondents.

The following process of data analysis was followed as suggested by Braun and Clarke (2006):

- i. The researcher familiarized himself with the data and searching for meanings from the data.
- ii. The researcher generated a list of ideas about what is in the data.
- iii. The codes were sorted and grouped into potential themes.

- iv. The researcher identified the importance of what each theme was all about and what aspects of the data each theme entails.

### **3.9 Document Analysis**

There are some documents that are important for this research. Some are official while others cannot be verified. Document analysis includes the analysis and engagement with speeches, policy and legal documents. Notable documents used to engage with the issues of democracy and the consolidation of democracy includes the ANC's Policy Documents on various issues relating to democracy such as the RDP. Added to that, Paul Atkinson and Amanda Coffey argue that "documents do not stand alone. They do not construct ... reality as individual, separate activities. Documents refer – however tangentially or at once removed – to other realities or domains. They also refer to other documents..." (Atkinson, et al., 2004: 66-67). Theo van Leeuwen says "*Critical discourse analysis is, or should be, concerned ... with discourse as an instrument of power and control as well as with discourse as the instrument of the social construction of reality*" (1993: 193). According to Fairclough, CDA is defined as:

*discourse analysis which aims to systematically explore often opaque relationships of causality and determination between (a) discursive practices, events and texts, and (b) wider social and cultural structures, relations and processes; to investigate how such practices, events and texts arise out of and are ideologically shaped by relations of power and struggles over power; and to explore how the opacity of these relationships between discourse and society is itself a factor securing power and hegemony. (Fairclough, 1993: 135).*

### **3.10 Thematic Content Analysis**

According to Berelson, "*content analysis is a research technique for the objective, systematic, and quantitative description of the manifest content of communication*" (Stempell III, 1981: 119). This emphasizes on the counting and coding of texts. Proponents of content analysis like Smith (1975) (cited in Berg, 2001) advocate a blend of both qualitative and quantitative analysis to be used "*because qualitative analysis deals with the forms and antecedent-consequent patterns of form, while quantitative analysis deals with the duration and frequency of form*" (Smith, 1975: 218 cited in Berg, 2001: 241) . More scholars also suggest the need for content analysis to be qualitatively-oriented as a textual analysis method used for studying mass

communication. This view is inspired by the assertion that there is need to focus beyond statistical semantics of political discourse but rather to include qualitative analysis of semiotics (symbolic meaning). Stempell III argues that content analysis “is a formal system of doing something that we all do informally rather frequently, drawing conclusions from observations of content” (1981: 119).

### **3.11 Ethical considerations**

The term ethics implies preference that influences behavior in human relations, meeting certain code of principles, the rules of conduct, the responsibility of the researcher and the standard conduct of a given profession (Babbie 2007). This means that the way other people are affected by actions of others merits ethical consideration. Care was taken to ensure that the human rights of the participants during this study were maintained. The ethics that were applied in this study were avoidance of harm, voluntary participation, informed consent, avoidance of violation of privacy, avoidance of bias and community entry.

#### **3.11.1 Avoidance of harm**

The fundamental moral rule of social research is that it must cause no harm to participants (Babbie 2007). Harm can mainly be of an emotional nature. The researcher had an ethical obligation to protect participants by all means possible from any form of material distress that may emerge from the research project (Creswell 2003). Participants were given full details beforehand about the impact of the research.

#### **3.11.2 Informed consent**

Obtaining informed consent entails providing information on the goals of study and the participants’ involvement and the dangers which might ensue if there are any (Royse 2004). In other words, the researcher should take the participants step by step as to the procedure informing the participant of the relevance of the information that the participant is giving out. Consent could either be verbal or written. To this effect, the researcher acquired consent from participants before conducting interviews. The researcher gave participants a consent letter which they had to sign to affirm their consent to the participation in the study.. The participants were informed of the right to withdraw from the study at any point, if they desired so.

Participants were also informed that they could choose not to answer any question that they felt uncomfortable with.

### **3.11.3 Voluntary participation**

The researcher thoroughly informed participants of what was being studied and the purpose of the study. They were informed that their participation is voluntary and that they are not forced to participate. The respondents were also informed that they should feel free to decline to participate or withdraw whenever and if ever they were not comfortable. The researcher informed the participants that declining to participate in the study will not affect them in any way.

### **3.11.4 Avoidance of violation of privacy**

The researcher should not violate the participants' right to privacy. The researcher considered how to protect participants and was sensible when it came to this. In this case the researcher used the information acquired only for the purpose of this study. The interviews were conducted in a room reserved specifically for the interview in order to ensure privacy. The researcher used pseudonyms to protect the identities of the participants. The researcher interviewed the participants privately in order to ensure that no one knew of the responses they were giving out.

### **3.11.5 Avoidance of bias**

The researcher must report his or her findings correctly and avoid being biased. The researcher is not supposed to influence the outcome of the study. Bias usually emerges during sampling. An obligation rests on the researcher towards all fellow academics to report correctly on the analyzed of data and the results of the study (Babbie 2001). In data collection the researcher avoided being biased by not manipulating the data.

### **3.11.6 Community entry**

Gaining permission to enter the field is of prime importance in order to get the study started. According to Lennox et al (2005), gaining access to the participants in order to collect data involves going through a hierarchy of gatekeepers or management. The researcher applied for permission to gain access the African National Congress , Democratic Alliance and the Economic Freedom Fighters offices in Gauteng and Limpopo Provinces, Limpopo Provincial



Government and various departments of State in Pretoria. This was necessary because the researcher collected data by interviewing politicians and government officials. A brief written description of the study was made available to these departments and organisations. The researcher communicated with the necessary respondents about what was going to happen and how long the data collection process would last. The respondents or officials were also provided with the schedule of the research. The researcher also acquired permission prior to collecting the data from the Research and Publications Committee at the University of Venda.

### **3.12 Pilot study**

According to De Vos et al. (2005), a pilot study is a small study that is conducted before the main research to determine the adequacy of the methodology, sampling instruments and analysis. A pilot study was conducted using semi-structured interviews and it involved three interviewees. Through the use of a pilot study, the researcher was able to confirm whether the questions and terminology were clear to the interviewees. Questions that were difficult for the participants were later simplified. Piloting did not lead to the change of the type of data collection tool.

### **3.13 Conclusion**

The chapter discussed the methods that were used in conducting the study. It also examined the methodology undertaken by the researcher. The study was qualitative in nature with a case study research design. The research methods, including the sampling method, the population under study, and the study location were discussed in depth as well. The ethical considerations that govern the study participants' rights as well as the researcher's integrity were discussed. The characteristics of the data collection tools as well as the piloting of the instrument were also explained.

## **CHAPTER FOUR: DATA PRESENTATION AND ANALYSIS**

### **4.1 Introduction**

This chapter presents the results from data gathered in relation to the consolidation of democracy in South Africa with specific reference to the dawn of democracy in 1994 to date. In this chapter the researcher analyzed and interpreted the data collected from various sources available that ranged from interviews and primary and secondary data on the subject matter. This process allowed the researcher to move from the description of events to a deeper understanding and making sense of the respondents' experiences. This is the case because data analysis involves arranging and categorizing, evaluating and comparing as well as synthesizing and reviewing the raw and coded data, Neuman (2006).

The interview schedule and observation of this research aim to look at the qualitative method of analysis used in this research because it is helpful for the researcher to be able to understand how democracy has been constructed. This method enables one to decode meaning and constructed themes from the perceptions, analysis and otherwise arguments made by the research participants during the interviews.

The collected data was analyzed and categorized according to the emerging themes. The themes which were discussed include:

### **4.2 Political Findings: A dominant ANC political landscape**

The implication of a dominant party system for the successful consolidation of political democracy has long been prominent amongst the study of political science in the world over. The issue tabled has been concern over the prospect of electoral defeat where one party dominates thus raising issues surrounding the decline in government response to public opinion over accountability and the authoritarian tendencies (Brooks, 2004:1) In the South African context this is further compounded over the fact that race is still a determinant factor in electoral outcomes and this has been at the advantage of the ANC dominance at elections which is seen so far as a party representing the interests of the black majority. Since the advent of democracy in 1994, the elections in South Africa have returned almost the same level of support for the major political parties over the nations five democratic elections. The ANC has steadily progressed and maintained its electoral dominance against the odds of a possible decline in the last two

elections with the emergence of the Congress of the People(COPE) in the 2009 and the Economic Freedom Fighters (EFF) both off shoots of the ruling party while the opposition DA has managed to steadily yet insignificantly rise. In 1999, the ANC's share of votes rose to 66,4% which was "consolidation elections" (Southall, 1999:15). The increase and dominance of the ANC has seen the insignificance of the opposition in parliament over the years especially in the year 2016 after the damning report by the Public Protector on the misuse of funds by President Jacob Zuma on his homestead in Nkandla, the state of capture report and the calls for the President to step down came to naught.

The point being stressed here is that with the increasing electoral dominance of the ANC in Parliament this has made the opposition parties relatively insignificant in the policy process. However, the most significant outcome for the opposition has been the increase in popularity for the DA in the 2004 election gaining 12% of the votes, 2009 increasing to 16% and in 2014 to 22%. The same could be said about the COPE that rose to prominence in 2009 to garner 7 % of the votes only to be replaced by the EFF in 2014 that garnered 6% of the votes and COPE was not anywhere near. Thus, the diminishing challenged posed by the opposition and the consummate strengthening of the ruling party's hold over the national political agenda raises crucial questions as to the direction democracy will take (Brooks,2004:6).

#### **4.2.1 State of the Opposition Parties**

The most fundamental problem opposition parties in South Africa face has been that of numerous number of opposition parties who have to share seats in parliament due to the hegemony the ANC enjoys .Southall (1999) accounts for this political reality and success of the ANC in limiting the entrenchment of the opposition by occupying the center of the ideological spectrum, housing a diversity of opinions and viewpoints, enabling it to take the sting out of challenges and criticism that come from the opposition. However, the same explanation could not be said in the post 2014 national elections where the ANC has been accused of defending and sustaining a President that violated the Constitution after the Public Protector's report on corruption on the Nkandla's scandal, state capture by the Gupta family and the ever increase in service delivery protests. This be a leverage that has made the opposition very significant especially the DA and EFF as seen in their performance in the 2016 local government elections

where the ANC lost three significant metro to the opposition Johannesburg, Tshwane and Nelson Mandela.

On the other hand, the manifestos of many of the smaller opposition parties appeal to too narrow and specific interest groups. The far-right wing parties such as the Freedom Front(FF) or Afrikaner EenhedsBeweging(AEB) that made demands for an Afrikaner nation, have found no real place for themselves in a rainbow nation of South Africa and both the PAC and AZAPO have seen a decline in their support base over the years since 1994. However even though the DA has proven to be a white party it has over the years changed its political outfit and attracted black and colored followers especially with the elevation of Lindiwe Mazibuko and Musi Maimane as front runners in Parliament and this can explain its significant increase in the elections at both local and national levels as reflected in the 2014 and 2016 elections respectively

#### **4.2.2 The Existence of a Legal Culture**

According to O'Donnell (2004:32) , the rule of law is among the essential pillars upon which any high-quality democracy rests. Since the dawn of democracy in 1994 the ruling party and government of the ANC sought to establish mechanism that created a legal culture upon which political, civil rights and accountability created some sort of equality for all citizens thus constraining tendencies of abusing power. The present author defines the rule of law as “the law that exists...is written down and publicly promulgated by an appropriate authority before the events meant to be regulated by it and is fairly applied by relevant state institutions including the judiciary”. A legal system that is democratically sound consists of the following: is consistent with civil and political liberties, establishes networks of responsibility and accountability which entail that all public and private agents including the highest officials are as such subject to appropriate legally established controls on the lawfulness of their acts (O'Donell,2004:34)

In this regard one of the most effective institution established in the transition to democracy was the Constitutional Court. The Court was established in 1993 and thus has become the highest court in terms of constitutional matters (Venter 2001:9). The Court over the years has been able to reinforce and strengthen the democratic culture that South Africa has built up over the years and protect democratic principles. The Constitution contains various provisions that ensures the independence of the judiciary as the third arm of state. However, there is always the problem of Executive interference with legal outcomes. This seems to be in contravention of Section 165

that reinstates separation of powers between judiciary and executive paragraph 2 states “*The courts are independent and subject only to the Constitution and the law, which they must apply importantly and without fear, favor or prejudice*” and more explicitly paragraph 3 states “*No person or organ of state may interfere with the functioning of the courts*”. This is contrary to the controversies surrounding the dismissal of the then Vice President Jacob Zuma on corruption charges by the former President of the Republic Thabo Mbeki it then emerged that President Mbeki might have interfered with the legal process thus influencing the decision of the National Prosecuting Authority in leveling charges against former Vice President. The impact this has was on the image of President Mbeki and his subsequent recall from office. However, in 2016 the same courts decided to reinstate all the charges levelled against President Zuma and in normal circumstances one would have expected President Zuma to step down as in accordance with the Constitution and court findings. Perhaps an explanation can be found in Klaaren (1997) in a study of the separation of powers in South Africa, points out to the fact that although there is no higher law than the Constitution, the President still enjoys significant independent power, he can exercise veto in terms of the appointment of the President and Vice President of the Constitutional Court.

#### **4.2.3 Public Protector’s Office on the Nkandla Upgrades.**

Chapter 9 of the Constitution of the Republic of South Africa made provision for a Public Protector, a Human Rights Commission, a Commission for Gender Equality, an Auditor General and Electoral Commission (Asmal, 2006). The Public Protector’s Office formerly known as the Office of the Ombudsman, investigates any conduct in state affairs with the intention and goals of enhancing accountability and take remedial action. In terms of the progress made towards the consolidation of democracy it was essential to evaluate this institution considering promoting and protecting the Constitution. In 2014 the Public Protector of the Republic of South Africa investigated conducted into allegations of impropriety and unethical conduct relating to the installation and implementation of security and related measures at the private residence of the President Zuma, at Nkandla in the KwaZulu-Natal Province. The investigation was conducted in terms of section 182 of the Constitution, 1996, which gives the Public Protector the power to investigate alleged or suspected improper or prejudicial conduct in state affairs, to report on that conduct and to take appropriate remedial action; and in terms of section 6 and 7 of the Public

Protector Act, 23 of 1994, which regulate the way the power conferred by section 182 of the Constitution may be exercised. Part of the investigation was also conducted in terms of the Executive Members' Ethics Act, 82 of 1998, which confers on the Public Protector the power to investigate alleged violations of the Executive Ethics Code, at the request of Members of National and Provincial Legislatures, the President and (Protector, 2014: 4).

The Executive decided to upgrade security at Nkandla. During implementing that decision, a cattle kraal, chicken run, swimming pool, visitors' center and Amphitheatre, amongst other things, were built at State expense. Following several complaints about the alleged misuse of public funds, the Public Protector investigated the project. In her report of March 2014, she concluded that the five features mentioned above were non-security features and State funds should not have been used for their construction. Consequently, she took remedial action, ordering that the President, with the assistance of the South African Police Service and National Treasury, determine the reasonable costs of those features and repay a reasonable portion thereof to the State. As a result of the non-security upgrades and alleged non-compliance with the Public Protector's remedial action, the Economic Freedom Fighters (EFF) and the Democratic Alliance (DA) brought legal proceedings against the Speaker of the National Assembly (Speaker), the President, and the Minister of Police (Minister) in this Court seeking a declaration that the President and the Speaker acted in breach of their constitutional duties. The Public Protector was joined as a respondent due to her interest in the hearings (Mail & Guardian, 2016).

The Speaker of the Parliament contended that the Public Protector's power to take remedial action merely amounted to recommendations and thus the remedial action was not binding. Prior to the hearing, the President argued that the steps he took followed the Public Protector's remedial action. The Minister contended that his investigation and report were not unlawful. The Public Protector submitted arguments that her power to take appropriate remedial action is binding and enforceable until set aside by a court of law (Mail & Guardian, 2016). The Court thus held that the National Assembly's resolution, based on the Minister's findings exonerating the President from liability, was inconsistent with the Constitution and unlawful. The Court also held that, by failing to comply with the Public Protector's order, the President failed to "uphold, defend and respect" the Constitution because a duty to repay the money was specifically imposed on him through the Public Protector's constitutional power. The Court ordered the National

Treasury to determine the reasonable portion that the President must pay for the five non-security items listed above and report back to the Court within 60 days. The Court ordered the President to make payment 45 days thereafter. The President was also ordered to reprimand the Ministers involved in the expenditure at Nkandla. Finally, the Court declared that the remedial action taken by the Public Protector is binding. The President, Minister, and Speaker were ordered to pay the applicants' costs, including those of two counsel (Mail & Guardian, 2016).

#### **4.2.4 State of Capture Report**

On 14 October 2016, the office of the Public Protector released a report entitled "State of Capture" in terms of section 182(1)(b) of the Constitution of the Republic of South Africa, 1996, and section 3(1) of the Executive Members Ethics Act and section 8(1) of the Public Protector Act, 1994. This report relates to an investigation into complaints of alleged improper and unethical conduct by the president and other state functionaries relating to alleged improper relationships and involvement of the Gupta family in the removal and appointment of ministers and directors of State Owned Entities (SOEs) resulting in improper and possibly corrupt award of state contracts and benefits to the Gupta family's businesses. (A Report of the Public Protector, 2016:3-4). The investigation emanates from complaints lodged against the President by Father S. Mayebe on behalf of the Dominican Order, a group of Catholic Priests, on 18 March 2016 (The First Complainant); Mr. Mmusi Maimane, the leader of the Democratic Alliance and Leader of the Opposition in Parliament on 18 March 2016 (The Second Complainant), in terms of section 4 of the Executive Members' Ethics Act, 82 of 1998 (EMEA); and a member of the public on 22 April 2016 (The third Complainant) whose name was not issued. . (A Report of the Public Protector, 2016:5) (Democratic Alliance, 2016). The High Court on the 2<sup>nd</sup> of November 2016 ordered the new Public Protector Busisiwe Mkhwebane to publish her predecessor Thuli Madonsela's state capture report by no later than 5pm that day. Judge Dunstan Mlambo granted an order in terms of a concept drafted by the DA, EFF, UDM, Cope and former ANC MP Vytjie Mentor, who all sought an order to force Mkhwebane to release the report. In terms of the order, Mkhwebane was amongst others to publish the report on the Public Protector's website.

#### **4.2.5 Freedom of the Press**

In any given political environment the freedom of the press has been a significant hallmark in the consolidation of democracy in any progressive political environment. Judging by African

standards the political system in South Africa has considerably fared in ensuring the freedom of the press. This has been in stark contrast to the suppression of independent media and excessive government control of the public media during the Apartheid era. Some of the attributes of the South African media are the publication and distribution of material, free from censorship or prosecution, as well as the elimination of coercion to publish anything( de Beer, 1998:20; Kearsley 2007:52). This is quite remarkable when one considers reports from international think tanks such as the Reports Without Borders that ranked South Africa at 31<sup>st</sup> out of 167 countries in 2007 on the freedom of the press( Reporters Without Borders Annual Report, 2007). This is in line with freedom of expression as enshrined in Chapter 2 of the Constitution . Thus on 12th August 2015, Steve Mohale, Citizen Newspaper Editor, wrote: *“The media has long played the role of unelected opposition to government in South Africa, taking its constitutional duty of being a watchdog to levels beyond what the Fourth Estate is meant. One hears numerous justifications from editors and journalists for why they give the DA a soft ride and focus all their efforts on discrediting the ANC, but if that’s what we’re about, then we should admit upfront that we’re DA newsletters. Then people would know.”* ( Personal interview with Lebogo Jacob, 30 August 2016).

However the present author maintains that there remains, though, the existence of a lot of barriers to entry for new players, despite the hard work done by organs of state like ICASA, MDDA, Sentech, USAASA, NEMISA, etc. For example, there exist a number of community and small commercial print media, who all face the challenge of sustainability. The acquisition of small established titles/small commercial media by the big players works against the policy of media diversity as espoused by the legislative framework and warrants further consideration. This, among others, has led to calls for a probe and investigation by the Competition Commission of possible anti-competitive behaviour in the media industry. A number of rulings by the Competition Commission in recent years attest to this and warns against the increasing monopoly. The structural question and the dominance of the monopoly market forces need to be tackled head on, as part of the new transformational trajectory (Personal interview with Ngobeli Percy, 14 August 2015).

South Africa has shown that high government corruption can be equated to lower press freedom in attempts to cover-up corruption. One example is the use of legislation from the apartheid era



to hinder any critical reporting on the use of public money on President Zuma's private homestead at Nkandla. This serves as a clear contradiction of Zuma's 2014 speech. The controversial Protection of State Information Bill is also a threat to access to information. Better known as the "Secrecy Bill", it carries prison terms of up to 25 years for the disclosure of classified state information. Another punch in the face of freedom of expression is the proposal by the Film and Publications Board to regulate online content. But the most saddening has been the South African Broadcasting Corporation's open display of bias towards the governing ANC. Examples include its refusal to allow political advertisements of opposition parties and directing journalists not to ask Zuma difficult questions. ( du Plessis , 2016)

### **4.3 Socio Economic Findings**

The history of South Africa has been a successful transition from apartheid to democracy at least in the political sense but the socio economic disparities have not been able to tally with the successful political transition. In spite of abundant resources and a vibrant economy, South Africa faces an acute problem of poverty. In the year 1994 the ANC sought to transform the country through democracy upon which the government also sought to transform the economy. South African History Online maintains that the thrust on economic policies were against the background of the first democratic elections in April 1994 in which the African National Congress (ANC) won with a majority vote to head the government of national unity. The aim was to rebuild and transform the economy after years of apartheid regime's economic isolation and financial sanctions which were enforced by the international community. The author continues that Reconstruction and Development Programme (RDP) which was part of the election platform of the African National Congress in the 1994 elections was chosen as the primary socio-economic programme. The broader aim of this socio-economic policy was to establish more equal society through reconstruction and development as well as strengthening democracy for all South Africans. The RDP identified five major policy programmes outlined in The White Paper on the Reconstruction and Development Programme, of the ANC, (1995) as follows: create a strong, dynamic and balanced economy; Develop human resource capacity of all South Africans; Ensure that no one suffers racial or gender discrimination in hiring, promotion or training situations; Develop a prosperous, balanced regional economy in Southern Africa; and Democratize the state and society. In short, this policy was aimed to address and

redress the inherited gross inequalities of apartheid, socially, economically and spatially (Personal interview with Lebogo Jacob on the 30 August 2016).

The research has found out and concluded that poverty provides a significant impediment to democracy and its consolidation, this has been seen to be against the background of in areas where there is poverty the possibility of struggling over resources and the advantages that permanent control of the state may bring to a party, makes democracy unlikely (Leftwich, 2000:143; Kearsey, 2007:56). This poverty has been attributed to not only the legacy of apartheid but also high illiteracy levels. However, the study has noted a worrisome trend that is accompanied by the increase in inequality that has been perpetuated by South African democracy. Thus, Przeworski et al (1996:43) discovered that democracy and its consolidation is more likely to endure in countries where income inequalities is declining over time. Thus, accordingly the country needs to reduce inequality if democracy is to thrive and survive.

#### **4.3.1 Economic Patterns Since 1994**

Seekings and Natrass (2005:346) are of the opinion at the 1990 negotiated transition to democracy the ANC did not have a clear cut economic policy model to follow. The only document the party had was the Freedom Charter that sought an all-inclusive economic model that aimed at redistributing wealth amongst the diverse sections of the rainbow nation but severely smoothing down on the history of the majority of South Africans. What is certain was that the party moved away from a socialist paradigm to a market oriented model that paid more attention to the business community perhaps because of a post-Cold War environment and with the fact that South Africa had become a late decoloniser (Seekings and Natrass ,2005:346).

The new ANC government begun to embark on a pro poor socio economic project that was aimed at addressing the needs of the majority with the hope of promoting the creation of jobs and embarking on housing schemes. These expectations supported the ANC's election manifesto the Reconstruction and Development Programme(RDP). The RDP was successful not only in the struggle for the consolidation of democracy but could establish a sound and effective social welfare state. Put simply "*RDP was successful in some areas such as social security in which the government established a very extensive welfare system. The system catered for the aged, disabled, children in need, foster parents and many others too poor to meet their basic social*

*requirements. Under this programme, free health care programmes were implemented for pregnant women and small children, and free meals were provided for between 3,5 to 5 million school children”* (South African History Online, 1995). This view was also shared by Breytenbach (2006:180) who maintains that the COSATU driven RDP was instrumental during President Mandela’s years as basic welfare rights (Personal interview with Mathelemusa Khathutshelo on the 27 July 2016).

### **4.3.2 Unemployment**

One of the biggest challenges to the consolidation of democracy in South Africa has been that of unemployment. According to Africa Check (2016) the unemployment rate in South Africa sits at 25,4 % meaning that one in every four South Africans is jobless. Many institutions called on the state to play a direct role in addressing the unemployment problem through labor intensive public work programs. In 1993, the National Economic Forum, a brainchild of trade unions and business was created to formulate economic development strategies. The objectives of the programme were according to (Mubangizi and Mubangizi,2005:280): to create, rehabilitate and maintain physical assets that serve to cater for the basic needs of the majority; reduce unemployment through job creation; educate and train those on the programmes as a means of economic empowerment. However the RDP pro poor based initiatives was not able to do much in terms of its objectives simply because the new government has to inherit external debts that were accrued under the apartheid regime. In addition, firms faced a very torrid macroeconomic environment in the 1990s (Seekings and Natras, 2005:349).

Whilst Thobo Mbeki was the Deputy President in 1997 the RDP was replaced by the GEAR policy , thus was a move from the essentially Marxist economic model to a pro capitalist and conservative policy. Lester, et al., (2014:255-265) the ANC adopt GEAR as a replacement to the not so performing RDP, an economic policy that was neo liberal and would result in the massive cut in government spending but would also result in a steady economic growth projected at 6% per annum. The authors maintain that GEAR was progressively welcomed by the corporate sector in South Africa and foreign economic power and financial institutions. What is more important is the that the authors lament on the negative effects of GEAR on the ability of the ANC to consolidate democracy because of the cut in government spending. The present authors further states that GEAR almost threatened the tripartite alliance within the ANC especially with

the labor movement COSATU. Accordingly, GEAR would encourage investment by sending a signal to investors that government finances would be responsible considering the absence of inflationary deficit financing. Thus, GEAR was an economic framework to cover from 1996-2000, this brought Mbeki in confrontation with the trade unions movement on the issue of privatization of the economy (Personal interviews with Timson Tshililo on the 9<sup>th</sup> of Nov. 2016).

In as much as GEAR was welcomed by the business sector and also brought macroeconomic discipline the policy did not do much in terms of addressing employment as it continued to decline unabated. In as much as there was a growing black middle class the rise in unemployment levels and the uneven distribution of wealth continued to be a legacy that haunted GEAR (Personal interview with Shivambu Floyd on the 10<sup>th</sup> Oct. 2016) . Arguably, the failure of GEAR precipitated policy makers to re-strategise and formulate policy that would address unemployment in a more realistic and pragmatic manner and also to focus on foreign investment.

In 2005 the South African government launched the ASGISA plan and was headed by the new Deputy President Phumzile Mlambo-Nguka. The South African History Online maintains that GEAR was replaced in 2005 by the Accelerated and Shared Growth Initiative for South Africa (ASGISA) as a further development on the first two developmental strategies followed post 1994. The present author acknowledges the challenges of prolonged poverty driven by unemployment, and low earnings, and the jobless nature of economic growth, ASGISA envisioned the following aims: Reduce poverty by 2010, and halving unemployment by 2014 from the 28% in 2004 to 14% by 2012; and also recognized that the policies implemented to address these issues needed to be at the forefront of economic policy decision making. According to the author ASGISA builds on the foundations of the RDP's goals of building a united, democratic, non-sexist and non-racial society, and a single integrated economy. While there was some reasonable level of success, the level of Implementation and future of the programme was uncertain as no official word came from the government regarding the fate of ASGISA.

An important principle of this policy was that economic growth was supposed to be sustainable and must be shared among all South Africans against the background of the fact that economic

growth in previous years since the apartheid had been unbalanced (Personal interview with Floyd Shivambu on the 10<sup>th</sup> of Oct. 2016).

### **4.3.3 Standard of living**

Generally, the standards of living are low in most developing nations for the majority of people and this is manifest in form of low income, poor health, limited or no education and in many cases, a general sense of malaise and hopelessness (Kearsey 2007:67). However according to (Brand South Africa, 2016) living standards in South Africa have shown a remarkable degree of improvement over the past 20 years, according to the South Africa Survey 2016, released by the Institute of Race Relations, a classically liberal think-tank, this month. On all possible measures of access to housing, electricity, clean water, and sanitation services, living conditions for South Africans were much higher than two decades ago, the report showed: The number of households residing in formal dwellings increased from 5.8 million in 1996 to 12.4 million in 2014, or by 114%. Over the same period, the proportion of households living in formal dwellings increased from 64% to 79% while the proportion living in informal dwellings fell from 16% to 13%. The number of households using electricity for lighting increased from 5.2 million in 1996 to 14.1 million in 2014, or by 171%. Over the same period, the proportion of households using electricity for lighting rose from 58% to 91%. The number of households with piped water increased from 7.2 million to 14 million, or by 94%. The number of households with access to flush or chemical lavatories increased from 4.6 million to 9.9 million, or by 118%. *“The data shows the relative success of the government’s service delivery efforts,”* said IRR analyst Kerwin Lebone. *“This is despite continuing backlogs, and the fact that in many cases the quality of services delivered should have been higher. On balance, however, there can be no doubt that living standards are much higher in South Africa today than was the case in 1994,”* he said. *“Another conclusion is that state-driven delivery efforts have probably gone as far as they can conceivably go and future improvements in living standards will be driven more by labour market access, new business development, increased private investment, and levels of economic growth than by the efforts of state planners.*

#### **4.3.4 Existence and Growth of a Black Middle Class**

Apartheid systematically and purposefully restricted the majority of South Africans from meaningful participation in the economy. The assets of millions of people were directly and indirectly destroyed and access to skills and to self-employment was racially restricted. The accumulation process under Apartheid confined the creation of wealth to a racial minority and imposed underdevelopment on black communities. The result is an economic structure that today, in essence, still excludes the vast majority of South Africans (Department of Trade and Industry, 2003: 4). It is crucial to understand the magnitude of what took place in our past in order to understand why there was a need to bring about an economic transformation in the interest of all. Societies characterised by entrenched gender inequality or racially or ethnically defined wealth disparities are not likely to be socially and politically stable, particularly as economic growth can easily exacerbate these inequalities. Therefore, the medium- to long-term sustainability of such unequal economies is vulnerable. Accordingly, in South Africa, the socio-political and moral imperative to redress racial discrimination was also an imperative dictated by the need for sustainable growth (Personal interview with Mathemulesa Andisani on the 24<sup>th</sup> Oct. 2015).

Therefore, an economic transformation strategy was formed as part of government's strategic approach to globalization to ensure that the majority benefited from these processes and not suffered deleterious effects. More than just an economic imperative, the deradicalization and engendering of our economy was a moral requirement in keeping with the values and principles of equity enshrined in the Constitution. The Broad-Black Economic Empowerment strategy was a necessary government intervention to address the systematic exclusion of the majority of South Africans from full participation in the economy (Department of Trade and Industry, 2003:4).

#### **4.3.5 The BEE**

Accordingly, the South African government defines BEE as an integrated and coherent socioeconomic process that directly contributes to the economic transformation of South Africa and brings about significant increases in the numbers of black people that manage, own and control the country's economy, as well as significant decreases in income inequalities. Thus,

BEE process will include elements of human resource development, employment equity, enterprise development, preferential procurement, as well as investment, ownership and control of enterprises and economic assets. The successful implementation of the BEE strategy will be evaluated against the following policy objectives:

- A substantial increase in the number of black people who have ownership and control of existing and new enterprises,
- A substantial increase in the number of black people who have ownership and control of existing and new enterprises in the priority sectors of the economy that government has identified in its microeconomic reform strategy
- A significant increase in the number of new black enterprises, black-empowered enterprises and black-engendered enterprises
- A significant increase in number of black people in executive and senior management of enterprises
- • An increasing proportion of the ownership and management of economic activities vested in community and broad-based enterprises (such as trade unions, employee trusts, and other collective enterprises) and co-operatives
- Increased ownership of land and other productive assets, improved access to infrastructure, increased acquisition of skills, and increased participation in productive economic activities in under-developed areas including the 13 nodal areas identified in the Urban Renewal Programme and the Integrated Sustainable Rural Development Programme,
- Accelerated and shared economic growth, • Increased income levels of black persons and a reduction of income inequalities between and within race groups. (Department of Trade and Industry, 2003:12-13).

Based on the above there has been an incredible increase in the number of a black middle class but not at the pace that the South African government had anticipated. This however poses problems for economic growth and indirectly for democracy, as much of the populations do not constitute a significant proportion of the country's middle class. However, because of a history of segregation and separate development it was very imminent that a middle class emerged.

## 4.4 Social Findings

In 1994, after many decades of institutionalized racism and segregation the nation of South Africa started with dealing with societal challenges of the past. Part of these challenges were diverse race relations that had pitted whites on one hand and coloreds and Africans on the other hand. This stigma and hate needed to be overcome for society to develop and progress as a newly democratic country, and eventually consolidated as a multi-cultural, nonracial society.

### 4.4.1 Truth and Reconciliation Commission

This study in its findings concluded that a Truth and Reconciliation Commission set up after independence by the ANC government was a very important milestone not only in the consolidation of democracy but strengthening the South African societal fabric. Verdoolaege, (2008) establishes that the TRC was a symbol of liberty that was established to build bridges between the past injustices and a future of forgiveness and unity amongst racially, ideologically divided South Africans. The author suggests that by devoting attention to apartheid victims and perpetrators the TRC embodied a transitional process that would forge national unity and loathe nationalist sentiments. The author traces the legal basis and foundation of the TRC stating that it was called into existence following the Promotion of National Unity and Reconciliation Act No 34 of 1995. The Act stated that the TRC was to “*promote national unity and reconciliation in a spirit of understanding which transcends the conflicts and divisions of the past*”. On the other hand Wilson, (2001) is of the opinion that the TRC was a charade that was more political than it was for nation building purpose. If anything the goal of building bridges, re-living the past through memoirs ultimately served the political objectives of legitimacy after years of protracted questions surround the legitimacy of the apartheid government. As such Wilson(2001) contends that Commissions are the main ways in which bureaucratic elites seek to manufacture legitimacy of state institutions. In a transitional period in which is referred to as liminal space<sup>2.3</sup> the core moral values of society would be restored and internalised by those participating in the process.

However the author contends that the TRC was deeply flawed in terms of sincerity as it seemed to have an ambivalent relationship with the legal order. It was more of a charade and talk shop were the commission could not prosecute or carry out any sentences as amnesty Judge Bernard Ngoepe stated “*The(Promotion of National Unity and Reconciliation) Act does not encapsulate*



*the principles of common law, therefore we don't find guidance for legal precedent.... I can tell you that I find it strange that I as a judge should listen to the gory details of how someone killed, cut the throat of another person and then ask that I let him go.* Stanley, (2001) occurs with Wilson on the legal paralysis of the TRC with regards to closure of the victims of the past. The authors states that the Truth and Reconciliation Commission (TRC) was heralded as the most ambitious and organised attempt to deal with crimes of a past regime through a concept of truth, came into force on 19 July 1995. Emerging as a political strategy to acknowledge past suffering whilst promoting a future based on the concerns of social justice, the rule of law and reconciliation, the Commission has struggled to fulfil its objectives. This can be traced to the public transition from apartheid, established through a negotiated settlement rather than a revolutionary process, framed the Commission's powers. Thus the Commission avoided an agenda that would subsequently challenge the status quo (Personal interview with Ludere Rudzani on the 17<sup>th</sup> of May 2015).

Regardless of the above, Moloka, (2016: 1) explains further that reconciliation was aimed at nation building as an important part of the transition. The new Constitution, one unifying flag and one national anthem became the building blocks of this important mission. Through sport, and in particular soccer and rugby, South Africans who had previously been divided by apartheid began to see themselves as one nation. When President Nelson Mandela and Francois Pienaar - the victorious White captain of the national rugby team - jointly lifted the World Cup in 1995, South Africans of all races celebrated a national victory. When asked about the event, Pienaar echoed the view of many South Africans, *"Destiny brought South Africa the Rugby World Crown"*.

The present author opines that the TRC revealed another side of life in South Africa. Radio and television stations broadcast the stories of abominable human rights abuses into households across the country. More dramatically, it gave all South Africans a very clear picture of the inhumane nature and extent of abuse under apartheid. The TRC ensured that the conspiracy of silence and denial was forever broken. Suppressed truths about the past were brought into the open and acknowledged. At the same time, these hearings provided many victims with an opportunity to make their voices heard and to have their personal torment recognised.

Undeniably a traumatic ordeal, the process proved a truly healing experience for many individuals. For a small minority of these victims the truth about the suffering of their families came to the fore, while for others locating the bodies of loved ones finally allowed the ghosts of the past to be put to rest.

#### **4.4.2 Ethnic Diversity**

South Africa has a heterogeneous population composition consisting of Bantu and Nguni speaking ethnic groups who constitute the majority of the people and the European extraction. In order to establish the rainbow nation the ANC government has used various methods and strategies including political engineering and nation building programs (De Beer, 2006:108). As a result the legacy that was bestowed on Nelson Mandela was that of a hallmark President known to unify the various ethnic diversified groups however this done at the expense of effective governance. The 1996 South African Constitution is an important document in this regard, because it has institutionalised provisions that serve to reinforce multi culturalism and the protection of ethnic groups from unjust abuse. Thus a number of institutions the National Council of Provinces, the Commission of for the Promotion and Protection of Rights of Cultural, Religious and Linguistic Communities, the Pan South African Language Board have been established to protect minority interests (De Beer, 2006 and Kearsy, 2007).

#### **4.4.3 Xenophobia and Foreign Nationals**

Since the dawn of democracy, many people from other parts of the African continent fled to South Africa. They fled their own troubled countries to make a new beginning and became refugees or immigrants among South Africans. In Africa, migration is a reality that we cannot escape. The majority of immigrants from Africa are displaced around the world as a result of economic crises often exacerbated by social and political factors that force them to leave their homes and countries of origin. The sad twist in the refugee tale is the hostility and xenophobia that they endure. The post-apartheid South African Constitution is founded in the principle of inclusiveness. The Constitution guarantees rights and protections for both local and foreign nationals living in South Africa, including protection from discrimination, protection of liberty and access to socio-economic rights. However, South African citizens have been exhibiting xenophobic tendencies towards foreign nationals ( Mshubeki, 2016 :2).

At the heart of South Africa's complex problem with xenophobia, is the loaded meaning of the term "foreigner". The term foreigner in South Africa usually refers to Asian and African non-nationals. Other foreigners, particularly those from America and Europe, go unnoticed and often referred to as "tourists" or "expats". Due to this reason, some South Africans are hesitant to refer to the attacks on foreign national as xenophobic. They resolve that the attacks on foreign nationals are more afrophobic than xenophobic. Indeed, as argued by Shabalala (2015), the violent attacks against foreign nationals could be referred to as an expression of Afrophobia, however, given the deep sense of dislike for foreign nationals from other African countries, I prefer to regard the attacks as a form of xenophobic violence ( Mshubeki, 2016:2-3).

It has been contended that xenophobia in South Africa manifest itself in various ways, from exploitation of foreign nationals in places of work through cheap labour, to physical attacks Black South African citizens in particular exhibit high levels of xenophobia towards fellow Africans, subjecting them to different forms of discrimination. Between 2000 and 2008, 67 people died in what was identified as xenophobic attacks ([www.saha.org.za](http://www.saha.org.za)). A third of those who died in 2008 were South African citizens. The majority of the 2008 xenophobic victims died in Gauteng, KZN, Western Cape, and to a lesser extent in other provinces ([www.saha.org.za](http://www.saha.org.za)). In January 2015, a Somali shop-owner shot and killed a 14 year old boy during an alleged robbery in Soweto, south of Johannesburg and it is said that this incident triggered the xenophobic attacks and looting of foreign owned shops ([www.saha.org.za](http://www.saha.org.za)). In March 2015, xenophobic attacks occurred in the Limpopo Province. Violence erupted in the Ga-Sekgopo village, after a foreign shop owner was found in position of a mobile phone belonging to a local man who was killed, and villagers demanded answers as to how the shop owner got the phone. Villagers protested and threatened to burn foreigners alive and then looted them. After this incident, foreigners in the outskirts of Limpopo left their shops. In April 2015, foreign shops were torched and looted in KZN. This happened in Umlazi, KwaMashu, and Verulam outside Durban (Mail & Guardians, May 2015).

Over the years, South Africa has received foreign nationals from different African countries, including Mozambique, Angola, Somalia, Burundi Rwanda and Congo. Many of them fled from political and humanitarian crises in their countries. The xenophobic tendencies against foreigner have only been documented since 1994 (McKnight, 2008, 51). Many reasons for the xenophobic

attacks have been offered and different scholars have tried to explain and contextualise the concept of xenophobia within the South African context. They have identified different theoretical explanations, for example, the “scapegoating hypothesis”. According to this hypothesis, rejection of foreigners in South Africa is a result of limited resources such as housing and employment. There is a common belief among certain South Africans that every job given to a foreign national is one less job for a South African (SAMP,2015, 10).<sup>4</sup> This is not something new. Foreigners in South Africa have always been accused of “stealing” jobs from South Africans, and these are stereotypes that are not grounded in reality. The “economic threat” posed by immigrants does not appear to be based on personal experiences of any South Africa losing a job due to a foreign national. Immigrant workers have become scapegoats for frustrations arising from persistent socio-economic inequalities which can dangerously take form of seeing “them and us”. They are also exploited in lowpaid jobs, especially illegal immigrants, who can be blackmailed into accepting whatever salary and conditions imposed, for fear of being deported.

## **CHAPTER 5**

### **5 SUMMARY, STUDY FINDINGS, RECOMMENDATIONS AND CONCLUSION**

#### **5.1 Introduction**

The aim of this research was mainly to evaluate the consolidation of democracy in South Africa in the post 1994 era. This has so far been achieved through discussions of themes found in the previous chapter through an exposition of the research methodology employed in the qualitative study as well as an in-depth analysis of the results obtained from the study.

#### **5.2 Summary**

Chapter one is mainly concerned with the purpose of the study by introducing the problem statement and stating the aims and objectives of the study.

Chapter two reviews the literature that examines the consolidation of democracy in a post 1994 era in South Africa. In this chapter literature that was reviewed was on the political, economic and social themes in the consolidation of democracy in South Africa

Chapter three described the methodology and approach that was used to collect data. The population and sample that was used in the study are clearly described. In-depth interviews were used to collect data.

Chapter four was on the presentation and analysis of the data collected. The presentation and analysis of data raised issues such a dominant political and electoral landscape by the ruling ANC, the role of the opposition, the development of the South African economy, poverty and xenophobia which subsequently led to the recommendations of the study.

Having discussed the above the next section will discuss the findings and the recommendations of the study.

This chapter discusses the findings and appropriate recommendations and conclusions, based on the objectives of the study linked with the literature reviewed as well as the data collected from

the respondents. To facilitate the research, the aim of this study was subdivided into three objectives, namely:

- What steps were taken by the ANC-led government in establishing and strengthening democratic institutions in South Africa since 1994?
- How effective have been the democratic institutions established in South Africa since 1994?
- To what extent has democracy been consolidated in South Africa?

To ensure that this study is also a review of a process and not only a description based on a skeleton, the findings made in the preceding chapters on the objectives are summarized in this chapter to make recommendations and draw conclusions on the effectiveness of the juvenile justice system in rehabilitating the youth in South Africa.

### **5.3 Findings of the Study**

The findings that emerged in the previous chapter after an analysis of data suggests that since 1994 the ruling ANC has done much in trying to consolidate political, economic and social democracy. This is mainly due to the fact that the ANC manage to establish a rainbow nation that constitutes various racial and ethnic people. This rainbow nation has been consolidated and sustained through credible and democratic elections, a politically participative environment for hegemonic and insignificant political parties and a sound judiciary system that allows all and sundry to be equal before the law and in this regard the finding has been able to answer one of the study objectives that sought to evaluate the steps taken by the ANC government to establish democracy.

Noteworthy is to illuminate that democracy has not been consolidated as espoused by some of the economic policies adopted since 1994 such as RDP, GEAR and BEE. These policies have seen the growth of the South African economy over the years since 1994 but at the expense of the intended beneficiaries, the people. These macroeconomic policies were aimed at redistributing the national cake after separate development and the legacy of the apartheid on the majority of the people. If one goes by the objectives of the study the conclusion is that there still remains a high increase of poverty amongst the majority of the population and worse off the gap

between the rich privileged and the majority poor still remains a matter of concern. Social concerns such as xenophobia and ethnicity remains a challenge in the consolidation of democracy in South Africa as the study suggested that the discrimination and subsequent killings of foreign nationals who are economic migrants have threatened the growth of democracy as most of these have suffered at the mercy of locals over the competition of resources and jobs

## **5.4 Recommendations**

### **I. Political**

The study recommends that the ruling government continues in the spirit of multi racialism and rainbow nation that has seen people from various and diverse backgrounds co-exist. However, it is also important that the ruling party ANC also respects the Constitution like in the case of the findings made and concluded by the Public Protector on the Nkandla scandal on President Zuma. They have been repeated calls by the opposition that based on these findings the President should be impeached. However, these calls have fallen on deaf ears thus questioning the sincerity of the ruling party on upholding the country's Constitution.

### **II. Economic**

Since 1994 the government has been able to grow the economy and attract the necessary environment for its continued growth. However, this has been done at the expense of the majority of the people because whilst liberal principles have diversified the economy the majority of the people have been severely marginalized and be subsequently subjected to levels of poverty. The current indices suggest that poverty is a serious indicator of a failure to consolidate democracy. It is imperative for the ANC to revise the key sectors of the economy such as land, mines and banks to try and incorporate the majority of the people.

### **III. Social**

Whilst the ANC government has succeeded in creating a rainbow nation that is largely tolerant it has not done much in addressing co-existence between the locals and foreign nationals from Zimbabwe, Mozambique, Malawi and Nigeria who come to the country to seek economic

fortunes. The government should be able to extent an understanding and projects that would protect these foreign nationals from any harm and most importantly to conscientize the locals on the spirit of oneness with these African brothers and sisters.



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