**I. Introduction**

As one of the newest democracies in the world, South Africa has striven in the past 15 years, since its inception, to ‘right the wrongs’ of apartheid. South Africa faces a population marred by racial and ethnic inequalities, but the nation’s constitution, written in 1996, demonstrates its commitment to liberal democracy. To understand democracy’s effectiveness in redressing the quality of life of South Africa’s citizens, especially those marginalized during apartheid, requires a qualitative assessment. This political audit will measure the degree to which democratic principles in South Africa are upheld, which will entail the use of case studies, quantitative data, news articles, and other research articles.

**II. Defining Democracy: Universal & African**

There are two dimensions to take into account when defining democracy: a descriptive definition (minimal) and a normative definition (maximal). For the purposes of this audit, a normative definition will be used, which adds moral value to those minimum requirements of democracy, i.e. “1) universal adult suffrage; 2) recurring free, competitive and fair elections; 3) more than one serious political party; and 4) alternative sources of information” (Diamond x-xi: 2005). A maximal definition of democracy broadens the conception to include the means by which “popular control and political equality” can be met. This democracy must “[provide] its citizens a high degree of freedom, political equality, and popular control over public policies and policy makers through the legitimate and lawful functioning of stable institutions” (Diamond xi-xii: 2005). It must be noted that democracy is a Western conception, which focuses on *individual* protection and development, and that there are systematic differences in African democracies, which have more ethnic, religious and communal adaptations and traditions (Bradley 407: 2005). African democracies also often reflect colonial ideologies of “absolutism and arbitrariness” (Bradley 408: 2005). Western conceptions of democracy developed to enhance and ensure a free-market economy, while African democracy came “in response to political rather than socioeconomic change” (Bradley 408: 2005). Therefore, because of post-colonial poverty and rooted traditions, the African “brand of democracy” incorporates “communal traditions and consensus building” (Bradley 408: 2005), which are reflected in the socioeconomic relationship between governments and citizens.

A. The South African Concept of Democracy

South African democracy is unique because of both its Western and African roots. It can be described as a constitutional democracy because of its authorized constitution, which explicitly states the nation’s adherence to the democratic principles of human dignity, equality, human rights, non-discrimination, rule of law, universal adult suffrage, regular elections, accountability, responsiveness and openness (Chapter 1, Constitution). However, South Africa can also be considered a social democracy because of its Bill of Rights and the duty government has (at least where necessary and able) to level the socioeconomic status of its citizens (See Bill of Rights, especially Sections 24; 25 [4], [5]; 26, 27, 29 [1b]).

B. Good, Quality Democracy & Its Implications

Assessing the *quality* of democracy requires addressing the distinction between ideal *end* goals of democracy (the result) and the methods used to reach them. The following table lists the values (“Democratic Value”) inherent in democracy andwhat those values *should* produce (“Successful Result”).

|  |  |  |  |
| --- | --- | --- | --- |
| Democratic Value | Description | Successful Result | Description |
| *Accountability* | “The extent to which political actors are responsible for what they say and do” (UNCTAD, 2009). | *Popularly Controlled* | Citizens govern themselves and are not subject to minority, elitist or arbitrary rule. |
| *Authorization* | The extent to which public representatives or officials are given authority through elections (IDEA). | *Legitimate* | Government is “acknowledged as being in control of a nation and deserving recognition…” (Dictionary.com). |
| *Representation* | The degree to which all social groups are represented in government and to which elected officials relate to citizens (or groups) and act on behalf of their needs. | *Equal* | All citizens’ rights are upheld, and all are treated the same; all different groups’ needs are articulated to the government. |
| *Participation* | “The degree of involvement by affected stakeholders;” (UNCTAD, 2009) or by all citizens. | *Effective* | Political actors act upon citizens’ legal demands, and desired results are consistently achieved. |
| *Transparency* | “The degree of clarity and openness with which decisions are made” (UNCTAD, 2009). | *Fair* | “…[R]ules apply equally to everyone in society” (UNCTAD, 2009), and citizens’ desired ends are met without corruptive practices involved. |
| *Responsiveness* | The extent to which government institutions can address articulated needs of citizens (IDEA). | *Efficient* | “…[L]imited human and financial resources are applied without unnecessary waste, delay or corruption” (UNCTAD, 2009) |

C. Measuring Democracy in Degrees

The quality of democracy is articulated in *degree*. Therefore, the qualitative assessment of South Africa’s democracy will be based upon three degrees: that it is Highly Effective, Fairly Effective, or Ineffective. This assessment will use the South African constitution as proof that the above mentioned “Democratic Values” are a part of South Africa’s governing process and method.

|  |  |
| --- | --- |
| Scale of Quality | Explanation of Quality Label |
| **Highly Effective** | The vast majority of citizens feel that their basic needs, as enshrined in the constitution, are met; government operations and administration run efficiently and there is a high level of trust among citizens toward the government. |
| **Fairly Effective** | Most citizens feel that their basic needs, as enshrined in the constitution, are met; some citizens suffer from marginalization, which is due, in part or primarily, to an influential level of inefficiency and/or corruption in government operations and administration; furthermore, there is a lower level of trust among citizens toward the government. |
| **Ineffective** | Most citizens feel that their basic needs, as enshrined in the constitution, are not met; many citizens suffer from marginalization, which is due to a high level of inefficiency and/or corruption in government operations and administration; there is a low level of trust among citizens toward the government, making the legitimacy of its power vulnerable. |

The term “effective” as the basis for assessment is used to delineate the necessary connection between the inherent values of democracy and the actual result they produce in a given country. Since democracy is meant to be citizen-centered, no matter where it is implemented, assessment of its quality should and shall be citizen-centered also.

**III. Dimensions for Analysis: Procedural & Substantive**

This audit will focus on two procedural and one substantive dimension of democracy in South Africa. The universal qualities of democracy – those “Democratic Values” listed and defined above – shall be made more specific to a South African context. The degree of rule of law, citizen participation, and socioeconomic equality will be evaluated in regard to its prescription in the constitution and the success of the government in producing positive and intended results. These will be looked at in relation to the “Successful Results” previously laid out.

|  |  |  |
| --- | --- | --- |
| **A. Rule of Law** | **B. Participation** | **C. Socioeconomic Freedoms** |
| * **A.1** **Independent Judiciary, Modern Justice System**   *Are state and society consistently subject to the law?*   * **A.2 Institutional and Administrative Capacity**   *Does government have the capacity and/or will to uphold and protect the constitutional rights of all citizens?* | * **B.1 Representation**   *How equal is access for all social groups to public office, and how fairly are they represented within it?*   * **B.2 Conventional and Non-Conventional Forms of Participation**   *To what extent do people participate legally and illegally in politics?* | * **C.1 Social Resources & Discrimination**   *Are* all *people guaranteed in reality those basic life needs guaranteed on paper (i.e. in the Constitution)?* |

A. Rule of Law

Although there is no one definition of the rule of law, in this context it will be “that all citizens are equal before the law, and that the laws themselves are clear, publicly known, universal, stable, non-retroactive, and fairly and consistently applied to all citizens by an independent judiciary” (Diamond xiv: 2005). In the case of South Africa, the constitution provides the framework for the rule of law so that no person – no matter his or her status – may be above or below the law.

1. **Independent Judiciary, Modern Justice System**

*Are state and society consistently subject to laws?*

South Africa has established and maintained a distinct separation between the executive and legislature and the judiciary, and “the courts have operated with substantial autonomy in the post-apartheid era” (Freedom House). The latter acts as a formal interpreter of the constitution and has a unique position given the extent to which socioeconomic rights are afforded to the people. On the national level, Court action entails considering “whether in formulating and implementing … policy the State has given effect to its constitutional obligations. If it should hold in any given case that the State has failed to do so, it is obliged by the Constitution to say so” (Chaskalson 606: 2003). On the national level, the Constitutional Court’s independence and objectivity have been relatively consistent as seen in the three cases it has dealt with concerning the enforcement of rights (See *Soobramoney, Grootboom,* and *TAC* cases, Chaskalson 602-605: 2003). As noted by Chief Justice Arthur Chaskalson, the Court has upheld constitutionality in the ruling against several actions that violate human rights (see Chaskalson 607: 2003). More evidence of judicial independence is the fact that then-deputy president Jacob Zuma, in 2005, was charged with corruption (Freedom House). And, furthermore, “despite the political dominance of the ANC, the upper courts have resisted political interference” (Freedom House). Lower courts, however, “are reported to be more susceptible to political influences” (Freedom House). As an indicator of the state’s inability to consistently enforce law, despite policy and legislation efforts toward fighting crime, South Africa has the second-highest crime rate in the world (Nation Master). This rate includes crimes such as assaults, robbery, drug offences, and homicides (Nation Master). Violent demonstrations, like those in 2007, are also an example of why “South Africa’s performance on the rule of law indicator is lagging behind that of other developed countries” (Country Analysis Report 14: 2009) and indicate a potential legitimacy crisis due to government inabilities. Xenophobic attacks, resulting in death, have also been prevalent (Country Analysis Report 1: 2009), as well as police corruption toward foreigners, which indicates that, although rights are afforded to “all who live in [South Africa]” (Preamble, Constitution), non-citizens are often regarded as under the law.

2. **Institutional & Administrative Capacity, Civil Order; Corruption**

*Does government have the capacity and/or will to uphold and protect the constitutional rights of all citizens?*

Though a number of anti-corruption acts and departments have been established, “[h]igh rates of violent crime are a strain on capacity and make it difficult for South African criminal and judicial entities to dedicate adequate resources to anti-corruption efforts” (Political Risk Services 8: 2009). Surveys done show that South Africans perceive the police to be the most corrupt public officials, followed by customs, local government, home affairs and court officials (Country Corruption 9: 2003). Although found guilty by the courts, police chief Jackie Selebi was convicted of “receiving cash payments from [a] convicted drug trafficker” in 2009 (Garthwaite 2010, Allan 2010). This case, though a testimony to the independence of the judiciary, is a testimony to the corruption rampant in South African civil services. Transparency International’s 2008 Corruption Perceptions Index reports an increase in South Africa’s perceived corruption from 2007, rating it at 4.5 out of 10 on perceived corruption, 10 being most corrupt (Transparency International, Political Risk Services 58: 2009). Freedom House rates South Africa at 3.91 out of 7 in anti-corruption and transparency, with a rating of 7 being most corrupt (Freedom House). Enforcement of the laws enacted to combat corruption is “a major problem” because “courts are overloaded and struggle to retain experienced prosecutors, [which] leads to backlogs, delays and withdrawals in corruption cases” (Country Corruption 7: 2003). It should be noted, too, that certain minority groups, especially immigrants, are subjected to corruptive treatment. The Department of Home Affairs is known to “’work outside the country’s own laws – a conditions reached through design and poor oversight,’” which creates within it “’networks of corruption and extortion and broader patterns of administrative irregularity’” (Landau 7: 2005). That the (sole) major party, the ANC, chose Jacob Zuma, a man charged for rape and corruption in 2005, as their presidential candidate is highly questionable itself (Basset & Clarke 798: 2008). Although the Public Service Act (PSA) states that civil service positions must be filled “on the basis of ‘equality and other democratic values and principles enshrined in the Constitution’ … merit and open competition are often subordinated to political affiliation and nepotism, as well as both explicit and implicit quotas based on race, gender, and disability” (Freedom House).

B. Participation

Citizen’s participation is a crucial dimension in democracy as it ensures that government acts *on behalf of* the people. Therefore, in this case, the definition of participation will be “the active and vigilant role of the citizen in ensuring watchfulness over government activities; ensuring that government is accountable and responsive to societal needs; and that societal needs are accurately identified and met” (Esau 190: 2007).

1. **Representation**

*How equal is access for all social groups to public office, and how fairly are they represented within it?*

Just as would be expected given the existence of one of the world’s worst cases of socioeconomic inequality, political representation is skewed toward the nation’s elites. Although the constitution affords all South Africans extensive participatory rights (See Bill of Rights, Section 19), the ANC’s “overwhelming control of the executive and legislature … has undermined the efficacy of South Africa’s accountability mechanisms” (Freedom House). But a new black opposition party, Congress of the People (COPE), introduced itself to the 2009 elections (Dixon 2009). Still, intra-party politics often rules, and only civil society group alliances with the party seem to have a stake in the making of policy. An ANC-COSATU (Congress of South African Trade Unions) alliance, however, proved to be ineffective during the Mbeki presidency as the “elite-centered policy-making approach delivered little to the poor and working class” (Bassett & Clarke 788: 2008). South African politics on the national level especially tends to be leader-focused, and one-party control over that leadership leads to “sidelining and diminished … overall democratic process” for those excluded from what is largely “insider politics” (Basset & Clarke 787: 2008). Even with the (controversial) election of “scandal-plagued” President Zuma, who was the COSATU favorite, little has been done in terms of job creation and other promises (Bassett & Clarke, Political Risk Services 5, 38: 2009). Although South Africa has a Commission for Gender Equality (Constitution, Section 187) among other legal mechanisms, the Gender Advocacy Programme notes that, still, “[b]lack women generally tend to have fewer opportunities for education, employment, economic and political participation, etc.” (Hames 1314: 2006).

2. **Conventional & Non-Conventional Forms of Participation**

*To what extent to people participate legally and illegally in politics?*

While “extensive legislative and policy provisions have been introduced in South Africa post 1994 to encourage participation by citizens,” as has been a common trend in this analysis, the result has actually been “unequal access to spaces of participation, [which] inadvertently render the participatory model less effective for some” (Esau 188: 2007). Unions, especially COSATU, hold significant political power, and they used that power this year to strike against the government regarding wage increases (“South Africa’s strikes” 2010). But, as the government rightly acknowledged, it “cannot simply favour the employed at the expense of the jobless and poor” (“South Africa’s strikes” 2010). Although striking is legal in South Africa, those held this year turned unlawfully violent, causing harm to clients of those public services and other non-protestors (“South Africa’s strikes” 2010). These illegal forms of participation are a result of citizens’ affording less legitimacy to the government because of dissatisfaction. Other participants, especially of marginalized groups, such as those in townships, are “small, sporadic and limited to small areas. They are also not linked to each other” (Hough 6). This only further proves that effective participation in South African politics requires substantial resources. Lastly, there are recent concerns over potential press restrictions, which the Law Society of SA (LSSA) stated have “the potential [to] seriously erode transparency, accountability by public officials, the public’s right to access to information and media freedom” (“Concerns over media freedom” 2010). These restrictions could be a seriously detriment to the participatory potential of all citizens, as many media sources, such as Mail&Guardian, deliver tough criticisms against the government.

C. Socioeconomic Equality

Political equality can only be realized when citizens have “some measure of equality in income, wealth and status” (Diamond, xxvii: 2005). Socioeconomic equality refers to the “distribution of benefits across groups and even across generations” (Diamond, xxvii: 2005), which the South African constitution addresses.

1. **Social Resources & Discrimination1**

*Are* all *people guaranteed in reality those basic life needs guaranteed on paper (i.e. in the Constitution)?*

South Africa’s unemployment rate, estimated to be between 30 and 40 percent, is one of the highest in the world (Ozler 487: 2007), which means that government involvement in the distribution of resources is critically important and thus far insufficient. The government has made noted interventionist efforts against poverty, such as social security and the public works program, but this has clearly done little to stave unemployment and other inequalities (Mubangizi & Mubangizi 279: 2005). The reality is that “South African society … still reproduces the ‘two-tier’ structure and relationship of apartheid” (“The Violent Nature of Crime in South Africa” 166: 2007) as reflected in the “unequal access to such basic necessities as running water from a tap, enjoyed by only 26.3 per cent of the black population but 95.1 per cent of the white population (Mubangizi & Mubangizi 281: 2005). Education is a right granted to all by the constitution, and “official figures report that only about 18% of the population is illiterate; [however] the true level of illiteracy is much higher, especially among blacks, where it has been estimated to be nearly 50%” (Political Risk Services 64: 2009). The inequality in education contributes to the socioeconomic depravity of black South Africans. That the government has failed to decrease unemployment levels means that more people (the majority black) are relying on government aid. Furthermore, public services, whose role “is crucial if citizens are to access their rights in a meaningful way … [are] … all too often … hamstrung either through a lack of skill, capacity or [are] simply too politically partisan to be at all effective” (February 2010). Property rights and business assets are another set of controversial socioeconomic issues, as “80 percent of farmland is owned by white South Africans, who make up 14 percent of the population” and “a majority of the country’s business assets remain the hands of white-owned enterprises” (Freedom House). The poor still lack access and control of productive resources, which is a result of “land distribution … skewed along racial lines, with most of the productive land in the hands of heavily subsidized white farmers” (Mubangizi & Mubangizi 288: 2005). The problem with the South African constitution is that it promises what it can’t deliver due to budgetary and administrative limitations and incapacities, and this is a problem that is projected only to worsen with revenues falling short of budgeted levels “by as much as $8 billion” and “no plans to cut spending anytime soon” (Political Risk Services 7: 2009). Although labor laws have given the formally employed a voice through union membership and anti-discrimination legislation has been enacted, jobs such as domestic work remain “the most racialized, gendered and exploitative forms of ‘employment’ in the country” (Hames 1317: 2006), with black women suffering from this unregulated and hidden discrimination.

1 Social Resources and Discrimination are meant to be two *different* indicators for the dimension of Socioeconomic Equality; they are linked together because of their inherent relationship, which, for the purpose of this audit, has rendered them inseparable in the analysis of them.

**IV. Main Findings & Suggestions for Improvement**

A. Rule of Law

1. National courts operate at a relatively independent level, to the extent that in its history, public officials have been tried; also, human rights as enshrined in the constitution have been a matter of judicial concern, and the judiciary has acted in clear accordance with objective interpretation of the constitution. Lower courts, however, act less independently as they are sometimes influenced politically.

2. High rates of violent crime, policy incapacity or corruption and a general inefficiency in the court system deny citizens a sense of security and justice because of strained resources.

3. Patrimonial practices and discrimination are involved in the filling of civil service positions, although the Public Service Act was passed to prevent this.

B. Participation

1. The ANC has such control over politics that many voices are inevitably unheard, thus accountability is compromised. Although the ANC has an alliance with COSATU et al, the implementation and desired results of pro-labor policies have had little success, due not only to incapacity but to a lack of government cooperation, especially during the Mbeki presidency.

6. The constitution legalizes strikes, and the labor force of South Africa utilizes it greatly; however other venues of participation for the unemployed, township workers, rural workers and women are largely ineffective and/or non-existent.

C. Socioeconomic Equality

1. Government involvement in the lives of, especially the poor and unemployed, is critical; however an insufficient amount of resources, lack of capacity and administrative inefficiency have left many without improvement in their quality of life as well as unequal access to basic necessities.

5. Eighty percent of productive land and most business assets are in the hands of white South Africans; land distribution efforts have made little progress at the detriment of black people.

6. Budgetary deficits are projected to rise along with spending, thus already-strained services will face increasing inefficiency and incapacity.

7. Despite much gender-conscious legislation, women are still socioeconomically marginalized, as seen in domestic work, in which most black women are employed.

D. Suggested Improvements

1. “[I]mplementing concrete policy actions requires that government develop mechanisms and procedures for gathering and evaluating data on poverty and human development;” and this data should be gathered regularly, objectively and apolitically (Mubangizi & Mubangizi 287: 2005)

2. Civil society should develop non-government organizations to act as a watch dog over government action and should be a venue through which marginalized groups can have a voice and be heard.

3. Land reform should be “accompanied by support in the form of programmes to provide skills and financial support that will ensure the productive use of land for subsistence and commercial farming, and consequent food security” (Mubangizi & Mubangizi 288: 2005).

4. Mechanisms to ensure the legitimate, non-corruptive and efficient functioning of public services should be implemented through incentive- and merit-based programs.

5. Education reform is, perhaps, most critical to the reduction of socioeconomic inequalities and problems; high-skilled jobs are in high supply, but few (black citizens) can fill the position. Higher education will mean that more people can serve in the courts and in government positions, therefore enhancing competition and administration. This also means that more people will be off the streets, crime will be lowered, and courts will be freed from copious criminal cases and can serve in lowering corruption within the public sector and among civil servants.

**V. Final Assessment**

Based on the dimensions analyzed alone, South Africa’s democracy is assessed to be *Fairly Effective* because of its efforts toward legislative enactment that attempt to address the concerns of citizens but that legislation’s consistent failure to meet the reality of demands in crucial instances. South Africa is an inconsistently effective democracy, and it suffers from inefficiency due to unacceptable levels of corruption and incapacity, financially and within several departments.

**VI. Conclusion**

After 15 years of democracy in the post-apartheid era, South Africa still struggles with vast inequalities. These inequalities are enforced by the elitist governance that takes place at the national level, in which government officials are negligent and/or incapable of fulfilling the needs of the populous. Because of vast wealth disparities and ethnic and racial heterogeneity, difficulties in compromise governance are reflected in the fact that uprisings, strikes and other demonstrations (which often turn violent) are frequent. These violent protests are “due to [the government’s] inability to improve the quality of services provided to the poor” (Country Analysis Report 1: 2009). Labor strikes, however, that demand higher wages from the government demand such at the detriment of the unemployed who require welfare assistance. South African government is stretched too thinly across a nation with tremendous need. Democratic methods, as analyzed in this audit, have proven ineffective in achieving the goals set up in the constitution, as apartheid era inequalities based on racial lines have only shifted to a more class-based structure with racial underpinnings. Maximal definitions of democracy point out that it must be founded on equal disbursement of freedoms; however, marginalization still occurs among black women and those in rural and township areas. South African democracy has a long way to go before it can be truly effective in redressing the illiberal status quo of apartheid.

[ word count **2,568** ]

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**A Political Audit:**

South Africa’s Democracy

B r o o k e M y e r s

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Stl 320, Section 2: Political Analysis

9 November 2010

# [ Abstract ]

This audit is an assessment of the quality of democracy in South Africa after 15 years of democracy, based on three dimensions: rule of law, political participation, and socioeconomic equality. Based on these dimensions alone, a final assessment indicates South Africa’s democracy to be Fairly Effective. Positive findings were that South Africa has an independent judicial system at the national level, a politically active population, and much legislation passed to improve the quality of life of citizens and administration in the public sector. These positive findings, though, are undermined by corruptive civil servants, administrative incapacity and inefficiency, and entrenched socioeconomic inequalities. Suggestions are provided as to how South African government can address the problems still present in the post-apartheid era.

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