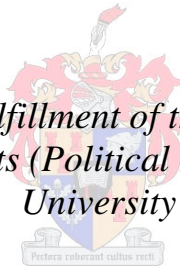


**The Struggle for Liberation and the Fight
for Democracy: The impact of liberation movement
governance on democratic consolidation in Zimbabwe
and South Africa**

Anna Christina Britz

*Thesis presented in fulfillment of the requirements for the
degree of Master of Arts (Political Science) at Stellenbosch
University*



**Supervisor: Dr. NL. de Jager
Co-supervisor: Prof. PVDP. du Toit**

**Faculty of Arts and Social Sciences
Department of Political Science**

December 2011

Declaration

By submitting this thesis electronically, I declare that the entirety of the work contained therein is my own, original work, that I am the sole author hereof (save to the extent explicitly otherwise stated), that reproduction and publication thereof by Stellenbosch University will not infringe any third party rights and that I have not previously in its entirety or in part submitted it for obtaining any qualification.

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ABSTRACT

The issue of democratic consolidation has become an important field of study in relation to developing states, especially with regards to Southern Africa. The region's history of liberation struggles and the emergence of liberation movements as ruling parties are vital factors to take into account when investigating democracy and, more specifically, democratic consolidation in these countries. However, there are only a few comparative studies that have looked at the effects of liberation movement governance on democracy. Therefore, in this study two case studies – Zimbabwe and South Africa – are compared in an effort to offer more insight into this topic.

The focus of the study was placed on how the behavior of liberation movement governments has affected the rule of law in order to assess their impact on democratic consolidation in general. This study follows the premise of studies in political behavior that actors' attitudes (in this case, liberation movements' political cultures) affect their behavior or actions that in turn have an influence on democratic institutions that eventually impacts democratic stability. In order to investigate this, the two case studies were compared and discussed in terms of the following themes: firstly, the respective liberation struggles and transitions to majority rule; secondly, the political cultures that have developed within ZANU-PF and the ANC during the liberation struggles; and lastly, the effect of the two parties' behavior – informed by the political cultures – on the rule of law, a central feature of democratic consolidation.

The findings indicate that in Zimbabwe, the rule of law disintegrated and democracy faltered largely due to the behavior of ZANU-PF. In South Africa, on the other hand, the rule of law has so far been upheld and the prospects for democratic consolidation seem more positive than in the case of Zimbabwe. In the last few years, though, the ruling ANC has shown tendencies that could prove to be detrimental to the future of democracy in South Africa. The ANC and ZANU-PF have both exhibited an authoritarian political culture, a desire to capture the state, tendencies towards centralization of power and the delegitimation of opposition. However, perhaps the key explanation for the protection of the rule of law in South Africa and the disintegration thereof in Zimbabwe has less to do with the political culture than the constraining influence of the international context with a renewed focus on democracy and

human rights and internal factors such as the constitution, civil society and a robust media. Furthermore, Zimbabwe experienced a watershed moment in the 2000 with the constitutional referendum which the Mugabe regime lost. With the loss of the referendum, ZANU-PF's democratic credentials were tested and it failed. In South Africa, such a watershed moment has not happened yet – the ANC's democratic credentials have yet to be tested like this. Therefore, the future of democracy is still uncertain even though in comparison with Zimbabwe, the prospects of democratic survival seem to be more positive. In conclusion, it is not possible to claim that liberation movement governance *in general* negatively affects democratic consolidation. The findings of the study indicate that this has definitely been the case in Zimbabwe, but so far not in South Africa.

OPSOMMING

Die kwessie van demokratiese konsolidasie het 'n belangrike veld van studie geword in verband met ontwikkelende lande, veral met betrekking tot Suider-Afrika. Die gebied se geskiedenis van bevrydingstryde en die opkoms van vryheidsbewegings as regerende partye is belangrike faktore om in ag te neem wanneer demokrasie en, meer spesifiek, demokratiese konsolidasie ondersoek word. Tog is daar sover net 'n paar vergelykende studies wat gekyk het na die effekte van bevrydingsbewegings se regeerkunde op demokrasie. Gevolglik, in hierdie studie is twee gevallestudies – Zimbabwe en Suid-Afrika – vergelyk in 'n poging om meer insig te bied met betrekking tot hierdie onderwerp.

Die fokus van die studie is geplaas op hoe die gedrag van regerende bevrydingsbewegings die oppergesag van die reg beïnvloed in 'n poging om te bepaal hoe hulle demokratiese konsolidasie in die algemeen affekteer. Die studie volg die veronderstelling van studies in politieke gedrag dat aktEURS se houdings (in hierdie geval die politieke kulture van die bevrydingsbewegings) beïnvloed hul gedrag of aksies wat weer 'n invloed het op demokratiese instellings wat uiteindelik 'n effek het op demokratiese stabiliteit. Om dit te ondersoek is die twee gevallestudies vergelyk en bespreek met betrekking tot die volgende: eerstens, die onderskeidelike vryheidstryde en oorgange tot meerderheidsregerings; tweedens, die politieke kulture wat ontwikkel het binne ZANU-PF en die ANC gedurende die vryheidstryde; en laastens, die effek van die twee partye se gedrag – geïnspireer deur die politieke kulture – op die oppergesag van die reg, 'n sleutel kenmerk van demokratiese konsolidasie.

Die bevindinge dui daarop dat die oppergesag van die reg in Zimbabwe in duie gestort het en demokrasie gefaal het grootliks as gevolg van ZANU-PF se gedrag. In Suid-Afrika, aan die anderkant, is die oppergesag van die reg sover gehandhaaf en die vooruitsigte vir demokratiese konsolidasie blyk om meer positief te wees as in die geval van Zimbabwe. Tog het die ANC oor die laaste paar jaar tendense getoon wat skadelik kan wees vir die toekoms van demokrasie in Suid-Afrika. Die ANC en ZANU-PF het beide 'n outoritêre politieke kultuur geopenbaar, 'n begeerte om beheer oor die staat oor te neem, tendense tot die sentralisering van mag en om opposisie te ondermyn. Alhoewel, die moontlike sleutel

verklaring vir die beskerming van die oppergesag van die reg in Suid-Afrika en die disintegreering daarvan in Zimbabwe minder te doen het met die politieke kultuur as die beperkende invloed van die internasionale konteks met 'n hernude fokus op demokrasie en menseregte en interne faktore soos die grondwet, die burgerlike samelewing en 'n robuuste media. Verder, Zimbabwe het 'n keerpunt beleef in 2000 met die konstitusionele referendum wat die Mugabe regime verloor het. Met die verlies van die referendum, is ZANU-PF se demokratiese getuigskrifte getoets en dit het gefaail. Suid-Afrika het nog nie so 'n keerpunt beleef nie – die ANC se demokratiese getuigskrifte moet nog op so 'n wyse getoets word. Daarom is die toekoms van demokrasie steeds onseker, maar in vergelyking met Zimbabwe, blyk dit dat die vooruitsigte vir demokratiese oorlewing meer positief is. Ter slotte, is dit nie moontlik om te verklaar dat bevrydingbewegings se regeerkunde demokratiese konsolidasie *oor die algemeen* negatief beïnvloed nie. Die bevindinge dui daarop dat dit definitief die geval in Zimbabwe is, maar sover nie in Suid-Afrika nie.

ACKNOWLEDGEMENTS

Firstly, I would like to extend my gratitude to my supervisor, Dr. Nicola de Jager, and my co-supervisor, Prof. Pierre du Toit, for their invaluable support, encouragement and advice. Without your help, I would not have been able to finish this thesis – I could not have asked for better mentors. I was privileged to have worked with you.

Secondly, I would like to thank my family and friends for their continued support throughout the last two years. To my parents – thank you for the faith you have shown in me and for carrying me in your prayers. To my friends – thank you for the interest you have shown in something that I am passionate about.

Lastly, I would like to thank my Heavenly Father Who strengthened and guided me for the duration of this project. All the praise, glory and honor unto You.

List of abbreviations:

AAM	Anti-Apartheid Movement
AGSA	Auditor-General of South Africa
AIPPA	Access to Information & Protection of Privacy Act
ANC	African National Congress
ANCYL	African National Congress Youth League
AZAPO	Azanian People's Organization
BC	Black Consciousness
BCM	Black Consciousness Movement
CODESA	Convention for a Democratic South Africa
COSATU	Congress of South African Trade Unions
CPSA	Communist Party of South Africa
DA	Democratic Alliance
FNLA	National Liberation Front of Angola
FRELIMO	Front for the Liberation of Mozambique
IEC	Independent Electoral Commission
IFP	Inkatha Freedom Party
MDC	Movement for Democratic Change
NEC	National Executive Committee
NGO	Non-governmental Organization
NWC	National Working Committee
MK	<i>Umkhonto we Sizwe</i>
MPLA	People's Movement for the Liberation of Angola
NCOP	National Council of Provinces

NDR	National Democratic Revolution
NP	National Party
NLM	National Liberation Movement
OAU	Organization of African Union
PAC	Pan African Congress
PCC	People's Caretaker Council
POSA	Public Order and Security Act
RENAMO	Mozambican National Resistance
SAHRC	South African Human Rights Commission
SACP	South African Communist Party
SADF	South African Defense Force
SIU	Special Investigating Unit
SWAPO	South West Africa People's Organization
TAC	Treatment Action Campaign
TRC	Truth & Reconciliation Commission
UDF	United Democratic Front
UDI	Unilateral Declaration of Independence
UN	United Nations
UNITA	National Union for the Total Independence of Angola
USSR	Union of Soviet Socialist Republics
ZANU	Zimbabwe African National Union
ZANU-PF	Zimbabwe African National Union Patriotic Front
ZANLA	Zimbabwe African National Liberation Army
ZAPU	Zimbabwe African People's Union
ZBC	Zimbabwean Broadcasting Commission
ZIPA	Zimbabwe People's Army

ZIPRA

Zimbabwe People's Revolutionary Army

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Chapter 1

Research Plan

1. 1. Introduction:

Since the third wave of democracy took place from the 1970s onwards – which many developing countries, including African states, experienced – focus has shifted towards studying the prospects for democratic consolidation in these new democracies. Attention has been particularly given to Southern African countries that experienced the transition from authoritarian regimes to democratic rule. Many of these countries in Southern Africa have liberation struggle histories which have produced liberation movement governments in the post-liberation dispensation. It is important, when looking at democracy in Southern Africa, to understand the effects of these histories on democratic consolidation.

1. 2. Preliminary Study & Rationale:

In the preliminary study, literature on liberation struggles and movements in Southern Africa has been reviewed to determine what has been focused on and what has been found on this particular topic. Furthermore, important works on democratic consolidation have been consulted in order to establish a comprehensive understanding of this specific field of study.

1.2.1 Theoretical framework: democratic consolidation:

Since Huntington's 'third wave of democracy' (1991), democratic consolidation has become a central field of inquiry for students of democracy. Various scholars with divergent approaches and views have contributed to this particular field, including Andreas Schedler, Adam Przeworski, Adrian Leftwich, Thomas Carothers, Juan Linz and Alfred Stepan.

Originally, according to Schedler (1998: 91), democratic consolidation describes the challenge of making new democracies secure and preventing them from regressing to authoritarianism. However, the concept has come to mean so many different things that it is in danger to becoming meaningless. Schedler (1998) introduced negative and positive notions of democratic consolidation in a four-fold regime classification (authoritarian regime; electoral democracy; liberal democracy; advanced democracy); essentially identifying degrees of

democracy. Negative consolidation refers to the avoidance of democratic breakdown and erosion whilst positive democratic consolidation refers to the completion and deepening of democratic rule. The strength of Schedler's work lies in his thorough discussion of the different concepts of democratic consolidation. Despite describing and discussing these different concepts, Schedler (1998: 103) fundamentally argues that democratic consolidation should be restricted to its original meaning – that of avoiding democratic erosion and authoritarian regression.

Juan Linz and Alfred Stepan in their article *Towards Consolidated Democracies* (1996) focus on the features and conditions necessary for democratic consolidation to take place. Democratic consolidation has taken place when democracy “as a complex system of institutions, rules and patterned incentives and disincentives has become...the ‘only game in town’” (Linz & Stepan, 1996: 15). Three minimal conditions are identified for democratic consolidation to take place: a) the existence of a state; b) a completed democratic transition; and c) rulers who govern democratically and constitutionally (Linz & Stepan, 1996: 14). Furthermore, democratic consolidation takes place on three levels: behaviorally (when no group attempts to overthrow the democratic regime), attitudinally (democracy is still supported by the majority of people despite severe political and economic crises) and constitutionally (everyone is subject to the rule of law) (Linz & Stepan, 1996: 15-16). There are also five conditions necessary in order for a democracy to be consolidated: a) free and lively civil society; b) a relatively autonomous political society; c) the rule of law; d) a functioning bureaucracy; and e) an economic society. The rule of law as discussed by Linz and Stepan, will be the central factor/condition of democratic consolidation to be focused on for the purposes of this study.

Przeworski, Alvarez, Cheibub and Limongi (1996) conducted an empirical study regarding the factors necessary for democratic consolidation by looking at conditions in 135 countries between 1950 and 1990. The question they ask is if a randomly selected country is to have a democracy in the next year, what factors/conditions should be present this year? This study places great emphasis on economic factors, illustrating the important interaction between socio-economic conditions and democratic stability. In fact, one of the central findings is the importance of economic factors in sustaining democratic rule (Przeworski *et al*, 1996: 49).

Adrian Leftwich's arguments regarding democratic consolidation share many similarities with the above-mentioned authors' findings. Leftwich (2000: 136) identifies five main conditions – similar to Przeworski *et al* and Linz and Stepan – that are necessary for democratic consolidation to take place. This includes: legitimacy (geographical, constitutional and political); adherence to the rules of the game and policy restraint by winning parties. Furthermore, Leftwich (2000: 142) argues that poverty is an obstacle to democratic consolidation and that there is a correlation between the democracy and the wealth of a country. Ethnic, cultural and religious cleavages also make the transition to democracy *and* democratic consolidation difficult, but not impossible (Leftwich, 2000: 144). The above-mentioned factors are critical structural conditions for democratic consolidation to take place, but Leftwich also identifies another six wider factors that will enable these essential political conditions to take hold (Leftwich, 2000: 145). These include: affluence; economic growth; income inequalities that are either moderate or declining; the avoidance of democratic breakdown; parliamentary systems; and a pluralistic civil society (Leftwich, 2000: 145-146).

Thomas Carothers in his work, *The End of the Transition Paradigm* (2002), draws attention to the so-called 'transition paradigm' and the problems with the core assumptions of this theoretical model. This paradigm posited that countries experiencing the end of authoritarian rule during the 1980s and 1990s were on the path to establishing democracies (Carothers, 2002: 5). Carothers (2002: 6) argues that this model, which was used to understand the period of democratization during the early 1990s, was no longer useful because reality no longer conformed to it. In reality, most countries considered to be 'transitional' "have not achieved relatively well-functioning democracy or do not seem to be deepening or advancing whatever democratic progress they have made" (Carothers, 2002: 9). In fact, most of the 'transitional countries' are neither dictatorial nor heading towards democracy. In other words, the quest for establishing a democracy is not a clear-cut process involving a neat set of sequential stages; rather, it tends to be messy process with various gray areas (Carothers, 2002: 9). From the above-mentioned authors' work, a comprehensive understanding of democratic consolidation can be established.

As we can see from the above-mentioned, there are various factors/conditions that are important for democratic consolidation. These include economic (for example: income

inequality, economic growth), societal (for example: civil society, racial and social cleavages) and institutional (for example: rule of law, autonomous political society) factors/conditions. But for the purposes of this study, focus will be placed on a single institutional factor, namely the rule of law. The rule of law as identified by Linz and Stepan (1996) is a vital condition for democratic consolidation to take place. This does not mean that the other factors/conditions are not considered to be important; to the contrary. However, the rule of law represents a key condition/factor to analyze when looking at the effect of liberation movement's governance on democratic consolidation.

1.2.2 Liberation struggles & movements in Southern Africa:

In the latter part of the twentieth century, numerous armed liberation struggles were waged in Southern African countries for independence and political self-determination of indigenous peoples. These struggles were led by liberation movements who took power through a combination of armed resistance, international pressure, the ending of the Cold War and an agreement with political rivals. Various scholars have investigated liberation struggles, liberation movements and post-liberation politics in Southern Africa, placing specific focus on liberation movement governance. In the works that have been reviewed, it has been found that most scholars compared various case studies with each other in an attempt to identify patterns of behavior (Southall 2003; Dorman 2006; Melber, 2010). Furthermore, all the studies that have been reviewed were qualitative in nature and made use of existing data.

There seems to be a general consensus amongst several scholars (Southall 2003; MacFarlane 1985; Dorman 2006; Ntalaja 1979) that a distinction can be made between the decolonization process in Africa during the 1950s/1960s and the armed struggles that were waged by various indigenous liberation movements from the 1970s onwards. According to Southall (2003: 30-31) there were two 'waves' of liberation struggles in African states. During this first wave, nationalist movements fighting against colonial powers gained relatively easy successes. This predominantly occurred in non-settler states¹ with little economic value that became a burden to colonial powers in the aftermath of the Second World War (Southall, 2003: 31). According

¹ Non-settler states refer to those African countries that did not inherit significant and permanent settler communities from the colonial era.

to MacFarlane (1985: 2), there seemed to be a decided shift from an era of decolonization to an era of national liberation in Africa since the 1970s.

The second wave of liberation struggles – of particular interest to this study – was directed against a reluctant colonial power (for example Portugal in Mozambique and Angola) and settler-dominated political economies who claimed or enjoyed political independence (for example Rhodesia and South Africa) (Southall, 2003: 32). These struggles were characterized by the appearance of national revolutionary movements that engaged in (armed) struggles against foreign rulers or indigenous regimes that were deemed illegitimate (MacFarlane, 1985: 1). This occurred in the settler states of Southern Africa where movements that resisted colonialism turned to armed struggle by the 1970s (Dorman, 2006: 1087). These armed struggles did not produce military victories, but rather negotiated settlements and multi-racial elections in Zimbabwe (1980) and South Africa (1994) with the assistance of international pressure (Dorman, 2006: 1087).

Various scholars (Melber; Southall; Dorman) agree that the armed struggles many liberation movements were engaged in, produced a certain and distinctly authoritarian political culture within these movements. Dorman (2006) and Melber (2010) argue that the militaristic and violent nature of the armed liberation struggles, forced liberation movements to adopt certain strategies and behavior and this has had a profound effect on the political culture that developed within these movements. Furthermore, Southall (2003: 31) argues that the logic of national liberation struggle or the political culture of liberation movements seems to be authoritarian in nature and reluctant to engage with democracy. Rather than promoting democracy, it suppresses it (Southall, 2003: 31). For the purposes of this study, it is important to investigate how this political culture has affected democratic consolidation in Southern African countries with liberation struggle histories. This political culture will specifically be discussed in *Chapter 4*. Even though various authors have investigated liberation and post-liberation politics in Southern Africa, few have focused on how liberation movements have affected prospects for democratic consolidation. Therefore, a thorough study of how the political culture of liberation movements has affected their style of governance and ultimately democratic consolidation is warranted.

1.2.3. Rationale:

As pointed out in the above section, there are various authors who have investigated liberation struggles, liberation movements and post-liberation politics in Africa, but few have investigated the particular effects of liberation movement governance on democratic rule and consolidation. Furthermore, very little in-depth comparisons in this regard have been done – especially between Zimbabwe and South Africa. With regards to Southern African states, it is important and relevant to investigate the impact of liberation movement governments on democracy, specifically democratic consolidation to judge whether democracy has a longer future in this region. To achieve this, two case studies – Zimbabwe and South Africa – with similar past political configurations, but divergent contemporary situations will be used to investigate the impact of liberation movement governance on democratic consolidation.

1. 3. Problem statement & purpose of the study:

The research question that will guide this study is as follows: What has been the impact of liberation movement governance on democratic consolidation in Zimbabwe and South Africa?

The focus of the study will be narrowed down to two case studies and two crucial sub-questions:

What has been the impact of ZANU-PF's conduct – as Zimbabwe's ruling party – on the rule of law?

What has been the impact of the ANC's conduct – as South Africa's ruling party – on the rule of law?

Additional sub-questions:

What are the main features of liberation movements?

Do liberation movements promote an authoritarian political culture? If so, how?

Was democratic rule the main objective of the liberation movements?

What are the conditions for democratic consolidation?

Has democratic rule been entrenched or eroded during the (former) liberation movement's rule?

Are there similar patterns of behavior between the ZANU-PF and the ANC as ruling parties?

The expectation is that liberation movement governments have a negative impact on the prospects of democratic consolidation and ultimately democratic survival. This assumption will be examined.

The main purpose of this study is to investigate how democratic consolidation has fared in Southern African countries with liberation movement governments. Furthermore, this study will attempt to determine whether the case studies (Zimbabwe and South Africa) show similar patterns and account for differences with regard to the respective liberation struggles, the democratic transitions, the post-liberation governments and prospects for democratic consolidation. It has to be kept in mind that Zimbabwe is no longer considered to be democratic; it has a 'not free' status according to Freedom House whilst South Africa has a 'free' status. Thus, this is not a comparison between two democratic regimes, but rather two case studies that share various similarities with each other, most importantly a liberation struggle history and a transition to democracy. Many similarities have been pointed out between Zimbabwe and South Africa and it is therefore the core purpose of this study to investigate whether South Africa is following a similar pattern of democratic disintegration as in Zimbabwe or whether there are significant differences between the two case studies. Special attention will be given to the South African context in an effort to try and make predictions about the state of democracy in South Africa and whether the ANC's dominance might negatively influence democratic consolidation. South Africa and Zimbabwe were selected for comparison because of historical similarities in terms of former racist regimes and liberation struggles against white-minority rule.

1. 4. Research Methodology & Design:

A descriptive research design is used in order to determine what the impact of liberation movement governance has been on democratic consolidation. A major aim of many social scientific studies is to describe events/situations and many qualitative studies – which this study aims to be – focus primarily on description (Babbie & Mouton, 2001: 80). The purpose

of the study, as stated in the previous section, is to assess how democratic consolidation has fared in Southern African states with a liberation movement government. Therefore, throughout the study, focus will be placed on answering four core descriptive questions: a) What is the political culture of liberation movements? b) Did it change when they came into government? c) How does this political culture influence the behavior of the ruling liberation movements? d) How does the behavior of the ruling liberation movements affect the rule of law?

A comparative research methodology is implemented by using two case studies. As pointed out earlier, most of the studies reviewed are based on comparison between two or more case studies. Zimbabwe and South Africa will be compared in terms of their respective liberation struggles, liberation movements, democratic transitions and post-liberation dispensations. In qualitative research, cases and not variables are placed at centre stage with a wide variety of aspects of the case(s) being examined (Neuman, 2005: 148). According to Neuman (2005: 148) the passage of time is important to qualitative research and that qualitative researchers look at the sequence of events, paying attention to what happened first, second, third, and so forth. In terms of this study, the two case studies (Zimbabwe and South Africa) are examined over a period of time by firstly looking at the liberation struggles in each case, the transitions to democracy in each country and what has happened since then. There are various reasons for comparison, including contextual description, classification, hypothesis-testing and prediction (Landman, 2003: 5-10). In terms of the two case studies, the assumption that liberation movement governments have a negative impact on democratic consolidation will be examined. Furthermore, it is the aim that at the end of the study lessons for the entrenchment of democratic rule in South Africa can be identified.

This study is largely qualitative in nature, using both primary and secondary data. In terms of primary data, speeches, policy documents and constitutions were used for analysis. In terms of secondary data, literature reviews were done, focusing on prominent scholars' works. An overwhelming majority of research about liberation struggles, post-liberation politics and democracy in Africa and democratic consolidation is based on literature reviews and analysis of existing data. One problem with doing literature reviews is that the researcher may exclude

studies that could have contributed to the study or certain authors may be excluded because of the researcher's prejudice.

In terms of what is studied, a specific unit of analysis can be identified. A unit of analysis refers to what will be studied; what object, phenomenon, process, *et cetera* will be investigated (Mouton, 2001: 51). If this object is a real-life (World 1) object – for example human behavior, historical events, social organizations – then we are conducting empirical research (Mouton, 2001: 52). In terms of this study, the main unit of analysis is the liberation movements/political parties, ZANU-PF (Zimbabwe) and the ANC (South Africa). Specific focus is placed on the organization, characteristics and behavior of the respective movements during the liberation struggles and post-liberation dispensations. Throughout the study, the respective liberation struggles, democratic transitions from minority-rule and various aspects of the democratic dispensations are investigated.

1. 5. Chapter layout:

The thesis includes six chapters. *Chapter 2* outlines the theoretical frameworks that are used to analyze and interpret the two case studies. *Chapter 3* sets out historical overviews focusing on the liberation struggles and democratic transitions in each country. *Chapter 4* focuses on the political cultures that have developed in both ZANU-PF and the ANC while *Chapter 5* focuses on how the rule of law has been affected in Zimbabwe and South Africa. *Chapter 6* includes the findings and concluding remark.

Chapter 2

Literature Review:

Democratic Consolidation & Liberation Movements

2. 1. Introduction:

The aim of the proposed study is to establish whether the political culture that informs the behavior of the liberation movements that now govern in Zimbabwe and South Africa, impacts democratic consolidation; more specifically the rule of law. Before this can be investigated, it is necessary to clarify the concepts of democratic consolidation and liberation movements. It is important to have a clear understanding of what democratic consolidation refers to and how it will be measured when investigating the case studies. Furthermore, when looking at liberation movements, we have to determine whether they (specifically in Southern Africa) share similar characteristics and, if so, construct a framework in order to assess the behavior of these movements in the post-liberation dispensations.

The purpose of this chapter is to provide an overview of the most important literature on democratic consolidation and liberation movements (specifically movements in Southern Africa). This will provide the theoretical framework through which the impact of liberation movement governments on democratic consolidation can be assessed critically.

2. 2. Democratic Consolidation:

Democratic consolidation, since Huntington's (1991) 'third wave of democracy', has become a central field of inquiry for students of democracy. In this section, democratic consolidation will be defined and conceptualized for the purposes of this study. Secondly, a literature review of prominent scholars' work will be provided. This will be done in order to identify the most important debates and issues surrounding the study of democratic consolidation. Lastly, the rule of law (a necessary factor/condition for democratic consolidation) will be discussed in more detail.

2.2.1 Conceptualising Democratic Consolidation:

Democratic consolidation – like most other concepts in political science – is contested. Various scholars (Schedler; Linz & Stepan; Prezworski; Leftwich; Beetham) have investigated democratic consolidation, have attempted to define it and determine what factors/conditions are important for it to take place.

Andreas Schedler (1998: 103) argues that democratic consolidation should be limited to its original meaning: that of democratic survival. Democratic consolidation should thus be restricted to the tasks of avoiding democratic erosion and authoritarian regression. David Beetham's (1994) understanding of democratic consolidation also seems to correspond with the 'survival'-notion that Schedler advocates. According to Beetham (1994: 160), a democracy can be said to be consolidated when there is good reason to believe that it is capable of withstanding shocks and pressures without abandoning the fundamental democratic principles which it depends on. But why would democratic rule survive and regression into undemocratic regimes be prevented? A possible answer may be that a democratic way of organizing and governing society has become entrenched or – put differently – a democratic political culture has taken root.

The definitions or conceptions put forward by Linz and Stepan (1996), Diamond (1996) and Leftwich (2000) focus on the creation and entrenchment of a democratic political culture which is crucial to democratic survival. Linz and Stepan (1996: 15) argue that a democracy is consolidated when it has become the 'only game in town'. Therefore, democracy as a complex system of institutions, rules and patterned incentives and disincentives has been established and entrenched. They go on to state the following: "In short, with consolidation, democracy becomes routinized (sic) and deeply internalized in social, institutional, and even psychological life, as well as in political calculations for achieving success" (Linz & Stepan, 1996: 16). Diamond (1996: 33) similarly argues that democratic consolidation is about the widespread acceptance of and support for a democratic government and democratic politics: "...consolidation is the process of achieving broad and deep legitimation (sic), such that all significant political actors, at both the elite and mass levels, believe that the democratic regime is better for their society than any other realistic alternative they can imagine". In this conception, Diamond (1996: 33) also closely relates democratic consolidation to a shift in

political culture; thus a change from an authoritarian or an anti-democratic political culture to a democratic one. Leftwich (2000: 135), in the same vein as Linz and Stepan (1996) and Diamond (1996), argues that a democracy is consolidated where parties, groups and people pursue their interests according to peaceful, rule-based competition, negotiation and cooperation and where the succession of one government by another is decided by these democratic means. Thus, democratic processes and decision-making become the norm. These conceptions of democratic consolidation indicate that it is more than just about avoiding authoritarian regression, but it is a process of establishing the widespread acceptance of democratic rule; thus the creation of a democratic political culture.

For the purposes of this study and reflecting the conviction of the researcher, democratic consolidation refers to the survival and entrenchment of democratic rule, making democracy the ‘only game in town’. A democracy can be said to be the ‘only game in town’ when the overwhelming majority of actors (governmental and non-governmental) accept democracy as the only legitimate form of governance even in the face of severe crises; rejecting all other non-democratic forms of government. Furthermore, democratic consolidation refers to the general acceptance of democratic procedures, practices, rules and institutions as the norm. When looking at democratic consolidation, it is also important to take into account that it is not a unilateral process, but according to Linz and Stepan (1996) and Schedler (2001) the entrenchment of democratic rule takes place on various levels.

Linz and Stepan (1996: 15) argue that democratic rule becomes entrenched on three levels: behavioral, attitudinal and constitutional. Schedler also looks at the behavioral and attitudinal foundations of democratic consolidation as Linz and Stepan, but adds a different third dimension – that of structural foundations. It is argued that a democracy is likely to survive when the structural foundations are solid. The structural foundations of democracy include socio-economic and institutional factors and in this study, particular attention will be paid to the institutional factors. Schedler (2001: 81) states the following with regards to this:

“In general, the literature has conceived formal institutions primarily as incentive structures (that either encourage or discourage antidemocratic behavior), and only secondarily as structural constraints (that either allow or prohibit antidemocratic

behavior). It has analyzed institutions as sets of rules that reward some kinds of actors and some types of conduct, while punishing others.”

Behaviorally, a democracy is consolidated when there is no significant national, social, economic, institutional or political groups which attempt to overthrow a democratic regime or promote violence in order to secede from the state (Linz & Stepan, 1996: 15). A democracy can be said to be consolidated behaviorally when in the face of severe political, social or economic crises, important actors do not abandon the democratic process (Schedler, 2001: 73). Schedler (2001: 70) states that anti-democratic behavior is a significant threat to democratic consolidation. He argues that if actors engage in anti-democratic behavior, democracy is in trouble. Instances of anti-democratic behavior include the usage of violence, the rejection of elections and the subversion of the rule of law or the transgression of authority (Schedler, 2001: 71).

Attitudinally, a democracy is consolidated when the overwhelming majority of people believe that democratic institutions and procedures are the most appropriate way to govern collective life, even in the midst of great social, political, institutional or economic crises (Linz & Stepan, 1996: 16). The attitudinal consolidation of democracy refers to the preferences and perceptions of actors, rather than their overt behavior (Schedler, 2001: 75). This non-instrumental and intrinsic support for democracy is considered by some to be the defining element of democratic consolidation. There is also substantial empirical evidence suggesting that actors' regime preference does matter for regime survival. Importantly, Schedler (2001: 75) also states that a democracy that is embedded in a 'democratic consensus' very rarely breaks down.

A democracy is constitutionally consolidated when governmental and non-governmental actors become subject to and habituated to the rule of law (Linz & Stepan, 1996: 16). In other words, a democracy is consolidated when all forces (governmental and non-governmental) become subject and accustomed to the resolution of conflict within the bounds of democratic procedures. This is a vital aspect for the entrenchment of democratic rule and will be elaborated on when discussing the rule of law.

In this study, Schedler's (2001: 69) model of democratic consolidation will be followed. He argues that the behavioral, attitudinal and structural dimensions influence one another:

"They form a chain of causation whose links are causally embedded: a) behavior appears as a proximate cause of regime stability, b) attitudes work as a prime mover of behavior, and c) structural contexts represent a proximate source of both actors and attitudes."

With this comprehensive conceptualization of democratic consolidation, a thorough investigation of the impact of liberation movement governance on democratic consolidation can be made.

2.2.2. Measuring Democratic Consolidation: Institutional, Social & Economic Factors/Conditions:

Measuring democratic consolidation once again depends largely on where one stands normatively. Therefore, scholars (Linz & Stepan; Prezworski; Beetham; Leftwich) have identified various factors/conditions that are deemed important or even necessary for the entrenchment of democratic rule. These factors/conditions can be divided into three broad categories: institutional, economic and social.

Linz and Stepan (1996), in their article *Toward Consolidated Democracies*, focus primarily on institutional factors/conditions. According to them, citizens need to "develop an appreciation for the core institutions of a democratic political society – political parties, legislatures, elections, electoral rules, political leadership, and interparty alliances" (Linz & Stepan, 1996: 17). They identify five conditions that must be present for a democracy to be consolidated, including an autonomous political society, a usable bureaucracy and the rule of law (Linz & Stepan, 1996: 17). An autonomous political society in this regard refers to the arena where political actors compete legitimately for the right to govern; in other words, the right to exercise control over the public power and the state apparatus. Another important institutional factor/condition that Linz and Stepan (1996: 20) identify is a usable bureaucracy. A modern democracy is in need of a capable and usable bureaucracy in order to meet the needs of citizens and to guarantee that their rights are protected. In order for a democratic

regime to protect the rights of citizens and deliver basic services to the public, it has to be able to effectively exercise its claim over the monopoly on legitimate force (Linz & Stepan, 1996: 20). In addition to this, a democratic government should also be able to extract tax revenues in order to provide citizens with basic services. The other institutional factor/condition they focus on, the rule of law, is probably one of the most important factors/conditions for democratic consolidation, but will be discussed in detail in the following sub-section².

Another important feature that is highlighted in the literature on democratic consolidation is the constitutional framework of a particular democracy. In terms of institutional design, some presidential systems encourage unconstitutional or even anti-constitutional behavior that threatens the rule of law, democracy and democratic consolidation. Leaders in parliamentary systems who attempt to abuse their power are more likely to be checked by other institutions. Other authors (Stepan and Skach [1993]; Prezworski, Alvarez, Cheibub and Limongi [1996]; Beetham [1994]; Leftwich [2000]) all argue that in terms of constitutional frameworks, a parliamentary system seems to hold better prospects for the consolidation of democracy. Kapstein and Converse (2008: 64) on the other hand argue that it may not necessarily be the constitutional framework that strengthens or weakens the prospects for democratic consolidation, but rather how strongly the power of the executive is checked. There are also various social factors/conditions to take into account when looking at democratic consolidation.

One such social factor/condition is the existence of a lively civil society. The existence of a pluralistic and strong civil society is an indispensable feature for the entrenchment of democratic rule. Civil society refers to the arena where relatively autonomous and self-organizing individuals, groups and movements attempt to create associations to advance their interests and to articulate values (Linz & Stepan, 1996: 17). Leftwich (2000: 146) mentions “a rich and pluralistic civil society” as a vital factor for the entrenchment of democratic rule. Beetham (1994: 167) also emphasizes the importance of different social groups in democratic politics. There is also agreement amongst these authors with regards to social obstacles to democratic consolidation.

² 2.2.3 The importance of a *Rechtsstaat*: Democratic Consolidation & the Rule of Law, pg. 17.

Linz and Stepan (1996: 23) argue that ethnic conflict in multi-national states poses a danger to democratic consolidation, but is a surmountable obstacle. They state that democratic regimes under such conditions could still make significant strides towards consolidation. Similarly, Leftwich (2000: 143) argues that ethnic, cultural or religious cleavages are constraints on democracy, making the transition to democratic governance and also the consolidation of democratic rule difficult. He argues that where societal cleavages exist, it is important that measures are taken to ensure political stability; for example a carefully crafted constitution (Leftwich, 2000: 144). Beetham (1994) also confirms the above-mentioned authors' assumptions regarding the impact of societal cleavages on democratic consolidation. He states the following: "...societies divided by clearly defined and historically antagonistic cultural groups will have great difficulty in sustaining democracy. Of all the hypotheses this is the one least easy to dispute..." (Beetham, 1994: 169). In addition to institutional and social factors, economic conditions are also important to take into account when looking at democratic consolidation.

Most authors reviewed (Przeworski *et al*; Leftwich; Kapstein & Converse; Linz & Stepan; Beetham) emphasize the importance of economic factors/conditions for democratic consolidation to take place. Linz and Stepan (1996: 21) argue that in order for a democracy to consolidate, it needs an economic society. An economic society in this sense refers to a set of socio-politically crafted and accepted norms, institutions and regulations that mediate between the market and the state. They go on to argue that a democracy needs a relatively autonomous market economy, but that completely free market economies are not suitable for the survival of democratic regimes (Linz & Stepan, 1996: 21). Beetham (1994), in his study, also points out the paradoxical relationship that exists between capitalism and democracy. On the one hand, a market economy helps to disperse decisional and other forms of power and also to promote individualism; something that is important to a democracy (Beetham, 1994: 164). On the other hand, a market economy could yield various negative consequences for a democratic regime, including: a) the erosion of the public service ethos due to the market's emphasis on private interest; b) the rapid fluctuations and widespread unemployment that accompanies a market economy may leave voters vulnerable to demagogic and radical mobilization, in support of anti-democratic politics; and c) inequality in terms of wealth tend to prevent

political equality. Inequality in terms of wealth is a factor that is widely viewed as a serious threat to democratic stability and consolidation.

In the empirical study Przeworski *et al* (1996: 43) conducted, they found that democracy is far more likely to survive where income inequality is declining over time. Leftwich (2000), Beetham (1994) and Kapstein and Converse (2008) all mention the threat of income inequality and the importance of reducing it. One way of reducing income inequality is through economic growth. The above-mentioned authors (Przeworski *et al*; Leftwich; Beetham; Kapstein & Converse) all agree that economic growth is an important, but not a sufficient, factor for the entrenchment of democratic rule. This is especially crucial in poorer democracies. Economic growth can compensate for poverty; thus, democracy in poor countries is likely to survive if the economies do not stagnate or contract (Leftwich, 2000: 145). Przeworski *et al* (1996: 42) states the following on economic growth in poorer countries: “Economic performance, then, is crucially important for the survival of democracy in less-affluent countries. When the economy grows rapidly with a moderate rate of inflation, democracy is much more likely to last even in the poorest lands.” It is clear that most of the authors reviewed agree that economic factors such as the reduction of income inequality and economic growth are vital factors/conditions for democratic consolidation to take place.

As we can see from the above-mentioned, there are various factors/conditions that are important for democratic consolidation. This includes economic (for example: income equality, economic growth), societal (for example: a lively and independent civil society, overcoming racial and social cleavages) and institutional (for example: rule of law, autonomous political society) factors/conditions. For the purposes of this study, focus will be placed on a single institutional factor, namely the rule of law. The rule of law as identified by Linz and Stepan (1996) is a vital condition for democratic consolidation to take place.

2.2.3 The Importance of a ‘Rechtsstaat’: Democratic Consolidation & the Rule of Law:

The rule of law (underscored by constitutionalism) is an indispensable factor for the consolidation of democracy and probably one of the most important features of a functioning democratic regime. For democratic consolidation to take place, all important actors, especially the state apparatus and democratic government, must be held accountable and become

accustomed to the rule of law (Linz & Stepan, 1996: 18). But what is meant by the ‘rule of law’?

Like any other concept in the social sciences, there seems to be no consensus on what the rule of law refers to, even if it is clear what it stands against (Rosenfeld, 2001: 1308). It has to be kept in mind that the rule of law has different meanings to different legal traditions, including the German *Rechtsstaat*, the French *État de droit* and the Anglo-American common law (Rosenfeld, 2001: 1309). The rule of law is generally contrasted to the ‘rule of men’ which denotes the unrestrained and arbitrary personal rule by an unconstrained ruler (Rosenfeld, 2001: 1313). It is the principle then that the law should enjoy the highest authority in the sense that it establishes a framework to which all conduct and behavior of actors (citizens or government officials) should conform (Heywood, 2007: 326). According to Hutchinson and Monahan (1987: 100) “the enduring concerns of the rule of law are the limitations of state power, the maintenance of a broad sphere of private liberty and the preservation of a market-exchange economy.”

The rule of law is a core liberal-democratic principle that embodies the ideas of limited government and constitutionalism. It is based on the ideal of a limited government which is the cornerstone of liberal democracy (Hutchinson & Monahan, 1987: 101). All actors (especially the democratic government and state apparatus) must be accountable to and become habituated to the rule of law (Linz and Stepan, 1996: 19). Leftwich (2000: 139), in accordance with Linz and Stepan, argues that one of the conditions for democratic survival is the adherence to the rules of the game by both (electoral) losers and winners. He states the following: “For democracies to survive, there needs to be agreement or acquiescence about the rules of the political game and loyalty to those rules; that is, to the democratic process itself, especially amongst the political elites” (Leftwich, 2000: 138). Furthermore, the rule of law is also closely linked to individual rights which are considered to be the core of democracy (Carothers, 1998: 97). According to Carothers (1998: 97), “A government’s respect for the sovereign authority of the people and a constitution depends on its acceptance of law”. Linz and Stepan (1996: 19) argue that the emergence of a *Rechtsstaat* – a state of law or a state subject to law – is vital for the consolidation of democracy: “The consolidation of democracy...requires a law-bound, constraint-embedded state”. A *Rechtsstaat* has meant that

the government and state apparatus would be subject to the law, that discretionary powers would be defined and limited and that citizens could turn to the courts to protect themselves against the state. Furthermore, the rule of law and constitutionalism must determine which offices are to be filled by elections, the procedures to elect those officials and the definition and limits to their power (Linz & Stepan, 1996: 19). This corresponds with what Hutchinson and Monahan (1987: 101) state; they argue that the rule of law implies that rule must occur by law and not by (individual) discretion and even the lawmakers should be subject to the law. Essentially, the rule of law means that everyone within a state – especially government officials – is subject and accountable to the law, the protection of citizens' democratic rights and also the application of law without fear or favor. It is clear from the above-mentioned that the rule of law is a crucial and necessary condition for a democracy to exist and for it to consolidate.

In the context of this study, the focus will be placed on how liberation movement governments have affected the rule of law in order to assess their effect on democratic consolidation in general. This study follows the premise of studies in political behavior that actors' attitudes – in this case, liberation movements' political cultures – impact their behavior or actions that in turn have an influence on democratic institutions that eventually impacts democratic stability.

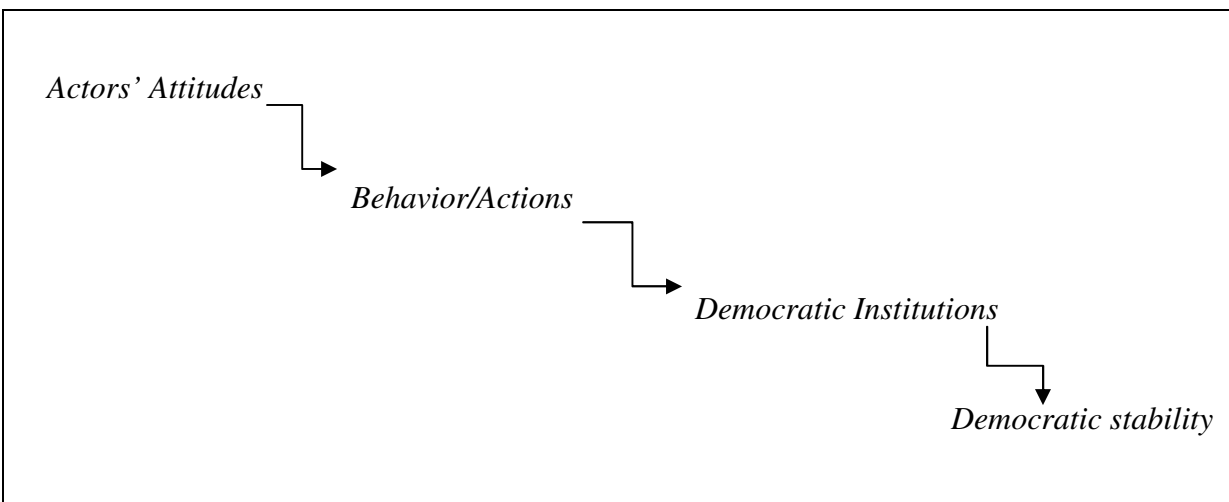


Fig. 1.1. A graphical model of democratic consolidation based on Andreas Schedler's (2001) conception of democratic consolidation.

When specifically looking at the effects of liberation movement governance on the rule of law, the following factors will be focused on in *Chapter 5*, namely: a) government transparency and accountability; b) fundamental democratic rights; and c) judicial independence and respect for the judicial process. By looking at government transparency and accountability, the ruling liberation movement's willingness to subject itself and be accountable to the law can be examined. In terms of fundamental democratic rights, it is important to look at the amount of consideration that the respective liberation movement governments give to these rights. The existence and protection of fundamental rights are vital to any democratic regime and without it, a democracy cannot exist. The protection of fundamental rights also relates back to the principle of a constrained, law-embedded state. Lastly, judicial independence and respect for the judicial process are also important features of the rule of law. This relates to the application of the law without fear of government interference and favor to government officials. These are the most suitable factors to help determine what the effects of liberation movement governance are on the rule of law and by extent democratic consolidation.

2. 3. The Logic of Liberation Movements:

In the latter part of the twentieth century, numerous armed liberation struggles were waged in Southern African countries for independence and the political self-determination of indigenous peoples. These struggles were led by liberation movements who took power through a combination of armed resistance, international pressure, the ending of the Cold War and an agreement with political rivals. When looking at liberation movements in Southern Africa, there seems to be similar histories, shared experiences and patterns of behavior. This also seems to extend into the post-liberation era where these (former) liberation movements have become the ruling parties. Various scholars (Melber; Dorman; Southall) have investigated liberation struggles, liberation movements and post-liberation politics in Southern Africa, placing specific focus on liberation movement governance. These scholars have identified certain features of liberation movement governance in the post-liberation era and these features especially relate to the political culture that has developed within these movements and how this affects their governance – especially in a democratic context.

2.3.1 Conceptualising Liberation Movements:

According to Montiel and Rodriguez (2009: 157) liberation movements – as those who were present in the liberation struggles throughout Southern Africa from the 1970s onward – are political types of social movements. Social movements, in this context, refer to:

“...pluralities of individuals who move collectively. Synchronized group actions of social movements emanate from identical collective goals and a shared collective identity” (Montiel & Rodriguez, 2009: 157).

Liberation movements – as social movements – act collectively in the political arena and their collective goals are largely influenced by Marxist-Leninist-Maoist ideas that can be deemed as revolutionary. Richard Gibson (1972: 10) also touches on this by pointing out that African liberation movements were influenced by a plethora of ideas; ranging from eighteen-century European ideas, North American bourgeois democratic convictions to Marx’s Communist Manifesto. The common feature here is that liberation movements were committed to radical social change and employed revolutionary rhetoric, and in some instances, also revolutionary tactics in order to achieve their goals of liberation.

One of the defining features of a liberation movement, according to Gibson (1972: 3), is that these movements were forged in struggles against oppressive and foreign rulers. African liberation movements, therefore, fought against entrenched white minorities for the political, economic, social and cultural emancipation of indigenous peoples. This corresponds with what Montiel and Rodriguez (2009: 156) state with regards to liberation movements:

“Collective action frames of liberation movements include economic and political independence from foreign and domestic exploitation, and profound social change toward an equitable social configuration benefiting the masses of poor people.”

MacFarlane (1985: 5) also states – in accordance with the above-mentioned – that national liberation, as conceptualized by these movements, included four elements: political independence; freedom from external economic control; social revolution aimed at the removal of indigenous oppression due to tradition or colonial rule manipulation; and cultural

regeneration. Another important feature of liberation movements is the fact that they extract intense commitment from their members (Montiel & Rodriguez, 2009: 157). Thus, one could argue that this could be one of the reasons why many liberation movements (who have converted into political parties) are in power for long periods of time in the post-liberation dispensations – they extract intense commitment from their members and supporters.

By combining the above-mentioned factors, a thorough conceptualization of liberation movements can be provided. Firstly, liberation movements – as those in Southern Africa – refer to groups who fought an armed struggle against an oppressive white-minority regime; in the Southern African cases, settler-dominated governments. Furthermore, they fought for the political, economic, social and cultural emancipation of indigenous peoples in these countries. They were informed by various ideas, most of them revolutionary, emphasizing the radical change of society. According to MacFarlane (1985: 5), the idea of national liberation – as conceptualized by these movements – included the following elements: a) political independence; b) freedom from external economic control; c) social revolution aimed at the removal of indigenous oppression due to tradition or colonial rule manipulation; and d) cultural regeneration. Furthermore, liberation movements also extract intense commitment from their members and supporters (Montiel & Rodriguez, 2009: 157).

2.3.2 Theoretical Foundations: What has been written?

Studies done on liberation politics – specifically in an African context – mostly focus on the nature of the liberation struggles, the liberation movements who were involved, the aftermath of these struggles in the post-liberation era and also how these struggles have impacted the political culture of liberation movements. There are a few authors (Southall; Dorman; Melber; MacFarlane; Gibson) who have focused on liberation and post-liberation politics in Africa, and more specifically in Southern Africa. This study will focus on the so-called “second wave” of liberation struggles against white-minority rule and settler domination in Southern Africa.

The struggles for national liberation in the post-Second World War era were some of the most dramatic events of the previous century (Southall, 2003: 30). These struggles took a variety of forms, but were all characterized by the rejection of imperialism and racism and the

demand for equality by the previously subjected indigenous citizenry. But a distinction has been made between the decolonization process of the 1950s/1960s and the armed liberation struggles that swept through Southern Africa from the 1970s onward (Dorman, 2006; Southall, 2003; MacFarlane, 1985; Ntjala, 1979; Gibson, 1972). Dorman (2006: 1087) argues that Southern African states, unlike African countries that attained independence in the 1950s/1960s, resisted decolonization causing thwarted nationalist movements to turn to armed struggle by the 1970s. Thus, in accordance with Dorman, Gibson (1972: 4) argues that where white minority regimes were entrenched, African liberation movements were forced to turn to an armed struggle to achieve liberation. During this period, there was a considerable upsurge of radical African nationalism throughout Southern Africa, triggering the armed struggles that followed (Guelke 1980: 654). The Portuguese revolution of 1974 and the subsequent transition to majority rule in its African territories (Mozambique and Angola), reinforced the trends toward radicalism in other countries in the region (Guelke, 1980: 655). But, importantly, liberation movements did not attain power through military victories (Dorman, 2006: 1087). Instead, through a combination of international pressure, internal domestic pressure and – to a limited extent – the ‘bush war’, multi-racial elections were held and a negotiated removal of settler rule was achieved in Zimbabwe (1980), Namibia (1990) and South Africa (1994). This shift from decolonization – the relatively peaceful acquisition of political independence – to armed liberation struggles also seemed to introduce a shift in the political culture of these movements.

The main focus of Roger Southall’s (2003), Sara Dorman’s (2006) and Henning Melber’s (2002; 2008; 2010) works is the political culture that has developed within liberation movements and how this affects post-liberation governance. Dorman (2006: 1086) and Melber (2010) both point out that the liberation struggles forced these movements to organize in strict military hierarchies and adopt rough survival techniques and strategies. Melber (2008) argues that when liberation movements (specifically referring to movements in Southern Africa) came into power, political office bearers were often influenced by military mindsets. This in turn has had a considerable impact on the political culture that developed within these movements. The political culture within these movements, on the other hand, influences the mode of governance of liberation movement governments. William Gumede (2007: 13) argues that it is difficult for these liberation movements to establish a democratic

political culture within their own ranks because during the liberation struggles, the decision making was left in the hands of a powerful few. In accordance to this, Southall (2003: 31) states the following: “...once having attained national independence, the inexorable logic of national liberation seems to be to suppress rather than to liberate democracy.” Thus, he argues that the logic of liberation – or in other words the political culture of these movements – seems to be inherently authoritarian and difficult to reconcile with liberal democratic politics. In the next section, greater attention will be paid to this political culture and a more in-depth discussion will be provided. Another important aspect that many scholars (MacFarlane; Keenleyside; Southall; Guelke) have investigated is the impact of the Cold War-security context and superpower rivalry on the struggles for national liberation in Southern Africa.

The Cold War-security context has been identified as a major factor in the liberation struggles that took place in Southern Africa. In many instances, Southern Africa became the battleground for the Cold War superpowers with various conflicts taking place that were influenced by outside actors. The involvement of Western and Eastern superpowers in the conflicts of Southern Africa has been widely documented by various scholars (Guelke, 1980; Keenleyside, 1980; MacFarlane, 1985; Southall, 2006; et cetera). Guelke (1980: 649) notes, for example, that the 1950s/1960s, when most African states attained independence, were marked by years of considerable tension between the US-led West and the USSR-led East; this was partly exacerbated by the competition for influence among new African states. The upsurge of radical African nationalism by the 1970s, the Portuguese revolution of 1974 and the subsequent transition to majority rule in the former Portuguese territories, Mozambique and Angola (Guelke, 1980: 655), led to the greater involvement of superpower rivals in Southern Africa’s liberation wars. Southall (2006: 225) states that the increase of the USSR’s and China’s influence in strategically sensitive zones by the mid-1970s, drew Africa closer into the orbit of superpower military competition. The conflict between the superpowers was most intense in Southern Africa (Southall, 2006: 226). Furthermore, and very importantly, both China and the USSR (who competed with each other for socialist leadership in Africa) both supported various prominent (rival) liberation movements³ (Southall, 2006: 225). It is

³ China provided aid to the Zimbabwe African National Union (ZANU) in Zimbabwe and the Pan African Congress (PAC) in South Africa. The USSR, on the other hand, provided support and aid to the Zimbabwe African People’s Union (ZAPU) and the African National Congress (ANC) in South Africa (Southall, 2006: 225).

thus evident from the above that the Cold War-security context and superpower rivalry had a considerable impact on the liberation struggles and liberation movements of Southern Africa.

2.3.3 Liberation Movements in the Post-Liberation Dispensations: Defining Features & Characteristics:

There is agreement amongst various scholars (Melber; Southall; Dorman) that the armed struggles many liberation movements were engaged in produced a certain political culture within these movements. Subsequently this political culture has affected the liberation movements' metamorphosis into political parties as well as their behavior as ruling parties. In this section, the features and characteristics of this political culture, or logic of liberation as Southall (2003) calls it, will be set out in order to create a framework through which the behavior of liberation movements can be understood and analyzed.

Sara Dorman (2006: 1086), who specifically investigated the legacy of liberation struggles in Namibia, Zimbabwe, South Africa and Rwanda, says the following on how this type of political culture has developed within liberation movements:

“Prolonged warfare leads to the development of hierarchies, hardship and brutality have been experienced, and links with external supporters and arms dealers have been strengthened. These factors continue to influence the style of governance, institutional reforms and relations with civilian populations ‘post-liberation’.”

This corresponds with what Henning Melber (2010), who has written extensively on liberation and post-liberation politics in Southern Africa, argues: “Resistance movements normally adopt rough survival strategies and techniques while fighting an oppressive regime. That culture, unfortunately, takes root and is permanently nurtured”. This is true of most of the liberation movements across Southern Africa who engaged in armed liberation struggles. Importantly, as pointed out earlier, liberation movements in countries like Zimbabwe, Namibia and South Africa did not come into power as a result of military victories, but did so through negotiated settlements and multi-racial elections (Dorman, 2006: 1087). Therefore, liberation movements had to (re)organize themselves into political parties and operate within

a liberal democratic setting – a transition which many of these movements have found difficult.

Roger Southall (2003: 31) argues that the logic of national liberation struggle or the political culture of liberation movements seems to be authoritarian in nature and reluctant to engage with democracy. Rather than promoting democracy, it suppresses it (Southall, 2003: 31). Furthermore, this authoritarian logic came to greater fruition during the so-called ‘second wave of liberation’ (armed struggles) directed against settler-dominated states (Southall, 2003: 32). He argues that where this logic has become completely dominant, as in Zimbabwe’s case, it could yield drastic results. Where this authoritarian logic has had to engage with opposition forces in a liberal democratic setting – as in South Africa – the outcome (authoritarianism or democracy) remains in the balance (Southall, 2003: 32). These movements, once in power, display features that are rooted in the experiences of armed conflict.

Liberation movements’ claim to legitimate rule “stemmed from their emergence from the decolonization process as representatives acting on behalf of the majority of the people” (Southall, 2011: 81). A feature that ties into this is the continued use of exclusionary liberation rhetoric and the reversion back to the we/they-divide of the liberation struggle. The exclusionary language of the liberation, according to Dorman (2006: 1092), comes to the fore once the dominant parties are being challenged by the opposition or civic groups. In many instances, opposition to the government is accused of working against the ‘national interest’ and is therefore dismissed as being ‘racist’ or ‘counter-revolutionary’. In essence, when you are not with the liberator, you are the enemy (Melber, 2002). The increasing blurring of the boundaries between the party and the state and the equation of the party being the government and the government being the party, any opposition is viewed as hostile and branded as an enemy to ‘the people’ and against the national interest. With this exclusionary language comes the conviction that the liberation movements are the sole liberators and therefore the only legitimate rulers. Melber (2010) states the following with regards to the latter: “At the same time, a decidedly patriotic form of writing history turned the independence struggle soon thereafter into a myth, upon which the erstwhile liberation movements based their claim to be the sole liberators.”

The exclusionary language of liberation movements also relates to the post-colonial national identity where the application of militant rhetoric is used as a tool for the exclusion or inclusion in terms of the post-colonial/liberation identity (Melber, 2002). The ideas of reconciliation and ‘unity in diversity’ are not always acknowledged in terms of political pluralism and permissiveness:

“There is a lack of (self-)critical awareness and extremely limited willingness to accept divergent opinions, particularly if they are expressed in public. Non-conformist thinking is interpreted as disloyalty, if not equated with treason” (Melber, 2011: 86).

Through the use of the exclusionary language of the liberation, liberation movements establish themselves as the rightful rulers due to their liberation credentials. Lastly, the use of this exclusionary language, in the hands of the (former) liberation movements, serves as a tool for the exclusion or inclusion in terms of the post-colonial/liberation national identity. Another important feature of liberation movements is their focus on the capture of state power and the subsequent domination of governance.

Armed liberation struggles, waged by Southern African liberation movements, were primarily about wresting power from colonial and/or settler rule (Southall, 2003: 35). The national liberation struggles in this sense targeted the ‘nationalist’ capture of states which were previously monopolized by ‘foreigners/aliens’ (colonial administrators or settlers) (Southall, 2003: 36). In a way, for the liberation movements the capture of power signaled something similar to Francis Fukuyama’s (1992) ‘the end of history’ with the conviction being that the liberation movement should permanently stay in power after succeeding in the liberation struggle (Melber, 2011: 89). Even though democratization was a desired result, it was not the main goal; rather, decolonization was the priority (Melber, 2011: 82, 83). Therefore, it was about seizing power and reorganizing the state in accordance to the goals and objectives of the liberation movements. The adoption of a socialist worldview by many liberation movements and their endorsement of the liberation struggle as simultaneous with a preceding class struggle, led to Leninist notions of a vanguard leadership and democratic centralism to predominate (Southall, 2003: 36). Therefore, there was a tendency for

democracy – with its questioning of received truths – to be converted into anti-democracy. Mohamed Salih (2007: 673) states the following:

“...liberation movements’ leaders persistent politicking under the banner of liberation, with all its military and violent connotations, not only calls into question their democratic credentials, it speaks loudly of a leadership mindset that found it difficult to turn its back on the revolutionary methods that brought them to power in the first place.”

Liberation movements, upon capturing state power, also come to dominate governance. For example, Zimbabwe, Namibia and South Africa can be described as dominant party systems where the dominant party is able to maintain power by virtue of winning successive elections either through popular support and/or by its control of the state machinery (Southall, 2003: 37). Dorman (2006: 1091) argues that even countries with a multi-party system and plural civil societies have gravitated towards dominant party rule partly due to inclusionary tactics whereby allies and old enemies are brought into a governing coalition as was the case in Zimbabwe. The other reason, in accordance with Southall, is the dominance of electoral competition by the former liberation movements, as in Namibia and South Africa. Importantly, dominant party systems are characterized by increasing centralization and presidentialism (Dorman, 2006: 1092). Furthermore, Southall (2003: 37) points out that party dominance is usually associated with the fusion of party and state, the denunciation of minority groups who mobilize around vital issues for them, the delegitimisation of opposition and also the development of a ‘culture of entitlement’ (to state resources amongst others) amongst the powerful governing elite. Liberation movements, in the post-liberation era, have also been plagued by bitter internal struggles due to the internal structures and dynamics of the movements.

Dorman (2006: 1092) points out that one of the lasting impacts of the liberation struggle are found in the alliances and relationships formed during the ‘struggle’ years. The patterns of policies in the post-liberation state may be a reflection of the internal composition and dynamics of the liberation movements. For example, Gumede (2007: 13) states that during the liberation struggle, the decision making was left in the hands of a powerful few; thus

promoting an authoritarian tendency within these movements. Furthermore, there has also been a general suppression of the personal/individual in favor of the collective (Melber, 2010). Suttner (in Melber, 2010) argues that the underground structures of liberation movements restricted and cloaked individual, independent-minded thinking under a collective which used democratic centralism as a guiding principle to ensure loyalty and maximum discipline as a requirement for survival and ultimate victory. The authoritarian tendencies of liberation movements are reflected in the enforcement of internal (party) discipline, violence directed at 'sell-outs' and the treatment of female members/cadres (Southall, 2003: 1093). Conflicts within formal party structures emerge due to questions of entitlement, rewards and compensation (Southall, 2003: 1094). Southall (2003: 1094) points out that as some members of the liberation movement take control of government apparatus, while others are busy themselves with the more menial tasks of reconstruction. It can therefore be argued that a culture of entitlement with regards to compensation and position has caused many divisions and serious conflicts within former liberation movement parties.

The liberation struggles have had a decided impact on the political culture that has developed within liberation movements. The features of this political culture, as discussed above, have influenced liberation movements' governance style in the post-liberation era.

2. 4. Conclusion:

Democratic consolidation and liberation movement are the core concepts of this study. Democratic consolidation refers to the survival and entrenchment of democratic rule, making democracy the 'only game in town'. Furthermore, there are various factors – institutional, economic and social – that are deemed important or even necessary for a democracy to be consolidated. For the purposes of this study, though, focus is placed on a single institutional factor, namely the rule of law because a) it is a crucial condition for democratic consolidation to take place and b) it represents the key condition/factor to analyze when looking at the impact of liberation movement's political culture on democratic consolidation.

In terms of liberation struggles and movements, the focus of the study is on the so-called 'second wave' of liberation struggles of the 1970s and on the nationalistic and revolutionary movements which spearheaded these struggles. The features and characteristics of liberation

movements in the post-liberation dispensations point to a certain (undemocratic) internal political culture that has been informed by the organizational needs that developed during the liberation struggles and the ideological inputs that have guided liberation movements. This, thus, provides a useful theoretical framework through which the impact of liberation movement governments on democratic consolidation can be investigated.

Chapter 3

Zimbabwe & South Africa Compared: Liberation Struggles

3. 1. Introduction:

Zimbabwe and South Africa have both experienced long periods of racist white-minority rule, liberation struggles that were waged against these minority regimes and (negotiated) transitions to (black) majority rule. The two case studies provide valuable information in relation to the nature of the liberation struggles in Southern Africa and also how the political culture that characterizes the behavior of liberation movements, has developed.

The purpose of this chapter is to sketch the history of the liberation struggles as well as the primary movements that were involved in these struggles, explain the negotiated transitions to majority rule, and describe the wider international context that exerted considerable pressure on the quest for liberation. Furthermore, the fundamental aim is to provide a comparison between Zimbabwe and South Africa in order to highlight similarities and also account for differences between the cases.

3. 2. Historical overview: Zimbabwe:

The history of Zimbabwe, as with most African states, is one marked by discriminatory colonial rule, the exploitation of natural resources and the repression of indigenous peoples. But it also includes the resistance to colonial and white-settler rule that eventually culminated in the gaining of independence and the transition to black majority rule in 1980 (Booyesen & Toulou, 2009: 630).

3.2.1. *Fighting for Zimbabwe: The Second Chimurenga*⁴:

Rhodesia – contemporary Zimbabwe – was governed by white-minority settler governments as a British colony until 1965 when Ian Smith's right wing regime announced Rhodesia's

⁴ Chimurenga is a Shona term for 'armed struggle' (Phimister, 2008: 211). The First Chimurenga, or uprising against British colonialism, took place between 1896 and 1897 (Kössler, 2010: 33). The Second Chimurenga refers to the armed liberation struggle from the 1960s onwards that the African nationalist movements took part in (Phimister, 2008: 211).

(illegal) Unilateral Declaration of Independence (UDI) from Britain (Gibson, 1972: 145, 148). The period of white-minority rule was characterized by the continuation of discriminatory and overtly racist policies which included the allocation of the majority of land to white people and the repression of black citizens' political, social and economic rights (Gibson, 1975: 148, 149). This exploitation and repression of black people gave rise to bouts of resistance from the 1930s onwards, evolving into an armed struggle by the 1970s (Kössler, 2010; Mhanda, 2005; Maxey, 1977).

African resistance to white suppression and exploitation, according to Foley (1993), was constant and assumed various forms. Resistance to colonial, or more specifically settler rule, arose during the 1930s and 1940s in the form of industrial workforce action which directly fed into the new, fledgling nationalist movement (Kössler, 2010: 33). By the late 1950s, African political parties were being established that attempted to persuade whites to share power, initially winning some concessions (Foley, 1993). According to Fogel (1982: 339), these African political organizations that placed themselves at the head of the developing mass movement, did not have the "aroused consciousness of the African masses and the objective task of national liberation". Rather these movements appealed to Britain over the head of the Rhodesian government to oversee the decolonization process; essentially confining the liberation struggle to the legal political arena (Fogel, 1982: 339). This pattern continued throughout the 1950s, but unfortunately, these efforts proved fruitless. This was due to the European settlers' inflexible attitude, the economic and political resources they had at their disposal and the crucial buffer that a 'fraternal' South Africa provided; thus, they could fight a war against African revolutionaries without the assistance from British imperialism. Furthermore, efforts in the early 1960s to broker a constitutional transition to African majority rule only produced frustration amongst the nationalist activists and anxiety among the settlers (Fogel, 1982: 339). The 1960s would prove to be a difficult period for African movements due to a growing backlash from white settlers in reaction to the increased political activism of these nationalist movements (Meredith, 2002: 30).

In December 1961 the Zimbabwe African People's Union was formed (ZAPU) as a result of the preceding nationalist movements' failure and banning (Gibson, 1972: 157). The conditions for African nationalist movements like ZAPU worsened considerably after the

1962 general elections which the right-wing Rhodesian Front⁵ won (Gibson, 1972: 157). After its victory at the polls in the 1962 general elections, the Rhodesian Front went on to repress African political organization (Foley, 1993); most notably with the banning of ZAPU in 1962, only nine months after its formation (Gibson, 1972: 163). Instead of establishing another organization, as had been done before, Joshua Nkomo – leader of ZAPU – and his associates agreed that if the organization was to be banned, that they would move underground at home and operate in exile. Under the leadership of Nkomo, who had by that time become accustomed to exile politics, ZAPU continued their appeals to Britain, intensified its lobbying to the United Nations and requests to the Organization for African Unity (OAU) for financial assistance (which was initially rejected) (Gibson, 1972: 159; 161). Meanwhile in the ranks of ZAPU there was growing dissatisfaction with Nkomo's leadership (Meredith, 2002: 29); it was criticized as “vacillating and indecisive, focused almost exclusively on pseudo-diplomacy and lobbying foreign governments and international organizations” (Gibson, 1972: 161, 162). Consequently in 1963, a split⁶ occurred in ZAPU with dissidents – including Ndabaningi Sithole, Leopold Takawira, Moton Malianga and Robert Mugabe (Gibson, 1972: 162) – defecting and forming the Zimbabwe African National Union (ZANU) (Fogel, 1982: 340).

ZANU was born out of the frustration over the lack of political activity within Rhodesia and also due to the lack of success of the tactics and strategy adopted by ZAPU in exile (Gibson, 1972: 174). The split was immediately followed by vicious fighting – mainly in the townships of Salisbury – between the youths of the two rival liberation movements; this would set the scene for the antagonistic relationship between the two parties which would have a decisive impact on the liberation struggle and Zimbabwean politics (Kössler, 2010: 34). In the immediate aftermath of the split, Gibson (1972: 162) states that the two movements “probably struck more blows at each other than at the white regime”. Martin Meredith (2002: 33), in accordance with the above-mentioned, states the following: “As each group tried to assert itself, however, the rivalry developed into uncontrolled violence... Little attention was paid either to whites or to the causes the nationalists were ostensibly serving”. In August 1964 both ZAPU – by this time also known as the People's Caretaker Council (PCC) – and ZANU

⁵ The Rhodesia Front, a white supremacist party, was established in the early 1960s due to the determination of whites to maintain their political domination (Foley, 1993).

⁶ There have also been suggestions that tribal and ethnic differences played a role in the split, with observers pointing out the Ndebele identity of ZAPU and the Shona identity of ZANU (Kössler, 2010: 34).

were outlawed by the Ian Smith regime (Gibson, 1972: 163) and by 1965, after the Unilateral Declaration of Independence (UDI), the nationalist movement was completely driven underground (Fogel, 1982: 342). The UDI proved to be a watershed occurrence for the nationalists because it provided a clear justification for an armed liberation struggle (Kössler, 2010: 34). But the sporadic armed attacks⁷ against the Rhodesian army were designed to once again gather international attention and apply indirect pressure onto the Smith regime (Fogel, 1982: 342).

Various scholars (Maxey, 1977; Fogel, 1982; Foley, 1993; Meredith, 2002) seem to agree that the armed struggle began in earnest in 1972 with an offensive launched by ZANU's military wing, the Zimbabwe African Liberation Army (ZANLA), in the north-east of the country (Maxey, 1997: 64). Ian Phimister (1995: 82) argues that the escalation of the armed struggle from 1972 onwards was interlinked with growing rural economic grievances and when "many of the landless unemployed 'joined the stream of guerrilla volunteers leaving Rhodesia'". At this stage, virtually all the African nationalist movements were joined in opposition to settler colonialism, putting their different interests aside (Phimister, 1995: 82). By 1974, ZANU's armed struggle was starting to pose a serious threat to the Smith regime and to the settler farmers (Fogel, 1982: 343). It is important to take into account that many of the ZANU cadres, based among the Shona people in the east, came into contact with the Mozambican revolution that was led by FRELIMO and this had a significant impact on the young Zimbabwean guerrilla fighters (Fogel, 1982: 342). In the same year, South Africa and Zambia – due to the adverse affects that the conflict was having – in conjunction with other African leaders forced the Smith regime and the nationalists to the negotiation table in a so-called *detente* (Fogel, 1982: 344).

This arrangement or *detente* brought ZANU and ZAPU together under the umbrella of the Bishop Muzorewa-led African National Congress (ANC). The aim was to allow Muzorewa and Nkomo access to the ZANLA guerrillas in an effort to persuade them to abandon their struggle by "dangling before them the prospects of the 'promising' negotiations between the

⁷ In April 1966 ZAPU launched its first attack in the armed struggle against white rule and in 1967, the Zimbabwe Independence Revolutionary Army (ZIPRA) with the support of the ANC from South Africa, launched an attack on the Rhodesian armed forces in Wankie, but were defeated (Breytenbach, 2000: 46).

reformist nationalist leaders and the Smith regime” (Fogel, 1982: 344). In November 1975, ZANU and ZAPU attempted to put aside their differences and formed the joint Zimbabwe People’s Army (ZIPA) (Norman, 2008: 60). During this period, the recruitment of new cadres did increase significantly with a mass exodus of young men and women to Mozambique to become freedom fighters.

In 1976, the liberation struggle spread rapidly across the northern part of the Rhodesia and the eastern border of the country (Maxey, 1977: 65). Deprived from its northwest base area in Zambia, ZANU’s armed struggle moved heavily to the east along the Mozambican border while ZAPU predominantly operated in western Rhodesia, using bases in Zambia⁸ (Fogel, 1982: 348; Meredith, 2002: 38). The Smith regime responded to the increased guerrilla activity by imposing a range of new regulations which basically gave the executive *carte blanche* in the military, political and judicial spheres (Maxey, 1977: 65). Furthermore, the regime launched attacks on neighboring countries, predominantly targeting Mozambique (Maxey, 1977: 66). Within Rhodesia, the strategy against the guerrillas was to isolate the ZANU army from mass support by hoarding thousands of peasants into “protected villages”; thus breaking the contact between ordinary citizens and the guerrillas (Maxey, 1977: 65; Fogel, 1982: 348). It was during this time that the broad anti-colonial alliance came under increasing strain and while guerrillas “continued to be rapturously welcomed in some areas, their appearance elsewhere was less than enthusiastically received” (Phimister, 1995: 83).

At the end of 1976, negotiations were held in Geneva where Smith was brought together with Sithole, Muzorewa, Nkomo and Mugabe who had replaced Sithole as ZANU’s president (Fogel, 1982: 349). Once again the negotiators attempted to put pressure on the British government to “oversee the transition to African political rule” (Fogel, 1982: 349). In October 1976 the Patriotic Front (PF), a military alliance between ZANU and ZAPU was created, but with both organizations maintaining their command structures (Norman, 2008: 61). This was done in Geneva by Mugabe and Nkomo in an effort to freeze Sithole and Muzorewa – who did not have recognizable armed forces – out of a possible negotiated settlement (Fogel, 1982: 350). After the Geneva negotiations failed and broke up, the formal military alliance between

⁸ During this time, ZANU received assistance from Mozambique after its independence in 1975 whilst ZAPU received help from Zambia; reinforcing their diverse regional support bases (Kössler, 2010: 34).

ZANU and ZAPU continued while the struggle against Smith's regime escalated. Meredith (2002: 38) argues that despite their military partnership, relations between the two organizations and their respective armies remained acrimonious due to a lack of trust. It is important to note that the two armies differed considerably – ZANLA (ZANU's army) was a typical guerrilla army employing non-conventional methods of warfare whilst ZIPRA (ZAPU's army) was a conventional army designed to “substitute itself (partially) for the existing state apparatus after a prospective political deal with the colonial settler regime” (Fogel, 1982: 350).

In November 1977, after several talks, a war weary Smith negotiated with Sithole and Muzorewa and eventually agreed to majority rule (Norman, 2008: 63). In March 1978, he “co-opted Muzorewa and Sithole, and a puppet tribal chief into his government in an ‘internal settlement’” (Fogel, 1982: 355). Importantly, neither Nkomo nor Mugabe was involved in the talks and the subsequent internal settlement (Norman, 2008: 63). Meanwhile the liberation struggle – and the violent repression thereof – continued unabated (Meredith, 2002: 63). But in August 1978 Nkomo held a secret meeting with Smith – much to Mugabe's ire – in an effort to achieve a settlement in which he would come to power separately (Meredith, 2002: 38). In April 1979, elections were held in which Bishop Muzorewa was elected Prime Minister; despite this, the violence continued (Fogel, 1982: 356). The new government with Muzorewa as Prime Minister, however, was not recognized by the international community. Finally in September 1979 all relevant parties, including British Prime Minister Margaret Thatcher, her foreign secretary, Lord Carrington, Ian Smith, Bishop Muzorewa, Joshua Nkomo and Robert Mugabe – under severe pressure from the Front Line States⁹ (Reed, 1993: 51) – met in London for the Lancaster House Conference (Norman, 2008: 64) which would eventually lead to a negotiated transition to majority rule.

It is clear from the above that the struggle over Zimbabwe was a complex and long conflict, involving various actors who all had a significant impact on the nature of this struggle and also the shape of the post-liberation dispensation. The armed struggle eventually led to the Lancaster House Conference of 1979 which brought all the relevant parties to the negotiation

⁹ The Front Line States refer to those Southern African states that were directly involved in the negotiations between the liberation movements and the settler government throughout the liberation struggle and also at the Lancaster House Conference (Reed, 1993: 43).

table and led to the Independence Elections of 1980 and the peaceful transition from white minority rule to black majority rule.

3.2.2 Transition to Majority Rule: Negotiating with the Enemy:

The 1979 Lancaster House Conference¹⁰ provided the final impetus for the transition to majority rule. Following this conference, the Independence Election was held on the 18th of April 1980 which Robert Mugabe's ZANU-PF – much to everyone's surprise – won convincingly (Booyesen & Toulou, 2009: 630, 631). The Lancaster House Conference was essentially an agreement to bring an end to the conflict and to manage the transition from minority rule to majority rule.

The conference was chaired by Lord Carrington and was attended by all the parties who were involved in the Rhodesian conflict (Stiff, 2000: 20). It should be kept in mind that the Lancaster Agreement was fundamentally a political pact between political elites. Under the stipulations of the Lancaster Agreement, Zimbabwe – as Southern Rhodesia was now to be called – would become a sovereign republic (Norman, 2008: 69); thus gaining formal independence from Britain. Most importantly, a new constitution – which would serve as the supreme law of the land – was agreed upon which endorsed a 'one man, one vote' election in early 1980 (Norman, 2008: 69; Stiff, 2000: 20). The Lancaster House Agreement led to a majority-rule constitution whereby Zimbabwe would adopt a multiparty system (Breytenbach, 2000: 46). Until the election, it was agreed upon that the Muzorewa government would stand down and that Southern Rhodesia would be governed by a British governor, Lord Soames. Crucially, both Mugabe and Nkomo agreed to a new constitution where blacks would have 80 seats in the new parliament and whites 20 (Norman, 2008: 67). Whites were guaranteed 20 seats in parliament for five years (Stiff, 2000: 20).

The new constitution also had a Declaration of Rights which included various civil liberties and political rights; importantly also property rights (Norman, 2008: 69). The section entitled 'Freedom from Deprivation of Land' was guaranteed for ten years and protected settlers against the forcible seizure of land and required sufficient compensation for expropriated land

¹⁰ The Lancaster House Conference was held in London from 10 September to 21 December 1979 (Stiff, 2000: 19).

(Fogel, 1982: 358), thereby implying that land distribution would only be implemented through the principle of ‘willing seller/willing buyer’ (Breytenbach, 2000: 47). The acceptance of this section was particularly significant given ZANU’s zealous socialist program that envisaged the nationalization of land (Fogel, 1982: 357). Wilfred Mhanda (2005: 3) states the following regarding the Lancaster House Agreement:

“The Lancaster House Agreement served to underscore the divergence in the interests of the nationalist leadership on the one hand and the broad masses of the people on the other. To the masses of Zimbabwe, the national liberation war was being waged for the attainment of self-determination and full democratic rights whilst for the nationalists, the war was essentially a pressure mechanism to induce political negotiations for the transfer of power to them.”

Following the negotiations in London, the Independence Election was held in April 1980, marking the end of British colonialism in Southern Africa, Rhodesia’s transformation into Zimbabwe and the transition from minority white-rule to majority black rule. Before the election, it was decided – largely due to the animosity between Mugabe and Nkomo – that ZANU and ZAPU would be contesting the elections separately (Meredith, 2002: 38). Nkomo felt that the Patriotic Front (PF) should represent a united front, but the decision was made by Mugabe to contest the elections alone (Norman, 2008: 70).

Unfortunately, the run-up to the elections was marred by systematic acts of violence – both by the intact forces of the Smith regime and also the ZANLA forces in the areas that were under their control (Kössler, 2010: 35). But intimidation of voters was not only limited to ZANU, ZAPU also made use of this method in Matabeleland (Stiff, 2000: 23). Furthermore, opposition election agents who ventured into ZAPU and ZANU controlled areas to canvas votes for their parties were simply murdered. Despite the violence and intimidation that ZANU in particular employed “Lord Soames had orders to ensure that the election, with ZANU contending, took place no matter at what cost in terms of fair play” (Stiff, 2000: 25). Regardless of the widespread violence, the elections were the first relatively free and fair ones in Zimbabwean history with a large turnout of the registered voters; 93.6% (2.7 million) of the electorate participated (Fogel, 1982: 360). The outcome of the election stunned most

observers and participants – in particular Joshua Nkomo – with ZANU winning a resounding majority with 63% of the vote and 57 seats out of the 80 seats reserved for African representation; ZAPU won 20 seats¹¹ while Muzorewa's United African National Congress only won three seats (Cliffe, Mpofu & Munslow, 1980: 44). The Rhodesian Front won all 20 seats reserved for white representation (Fogel, 1982: 360). ZANU-PF's electoral victory reflected their unique relationship with the ordinary citizens of Zimbabwe and also its reputation as a liberation movement, as described by Fogel (1982: 360):

“ZANU's electoral victory reflected not only the fact that it shouldered the burden of the armed struggle against the Smith regime, but also that the broad masses of Zimbabweans were awakening to radical political life, voting for ZANU because they identified it with revolutionary change.”

The Lancaster House agreement, the nature of the negotiated settlement and the characteristics of the independence election would have a profound impact on the post-liberation era in Zimbabwe.

3.2.3 The International Context:

British imperialism, the Cold War-security context and Southern African regional politics all had a significant impact on the liberation struggle in Zimbabwe and the subsequent negotiated transition to majority rule. In this section, these factors and the impact they had on the struggle for Zimbabwe will be explored and discussed.

Britain's role in Rhodesia – from 1923 onwards – seemed to be one of reluctance to get too involved and also an unwillingness to support the transition to African majority rule. Rather, Britain gave every indication – especially after the illegal UDI – that it wanted total disengagement (Gibson, 1972: 150). The illegal UDI of 1965 challenged Britain and initiated Rhodesia's formal break from England (Fogel, 1982: 340). African nationalists – following their policy of appealing to Britain – demanded British military intervention to stop Smith's rebellion and to “proceed to supervise a ‘proper’ decolonization” (Fogel, 1982: 340). But the

¹¹ ZANU won 70% of the vote in Mashonaland whilst ZAPU won all their votes in the Ndebele-base, Mtshatshatland (Fogel, 1982: 360); reconfirming the ethnic dividing lines between the two parties.

British government was not willing to use military force against 'kith and kin' in Rhodesia (Gisbon, 1972: 149). The UDI actually worked in Britain's favor because it "enabled England diplomatically to wash its hands of the Rhodesian problem" (Fogel, 1982: 341). Britain was, however, a concerned party in most of the negotiations and talks held between the Smith regime and the African nationalists, especially the Lancaster House Conference in 1979. The participation of Britain in the Conference was probably influenced by their desire to facilitate an advantageous outcome for British as well as capitalist interests; thus in affect an outcome favorable to neo-colonialism.

The Cold War-security context and Sino-Soviet split also played an important role in the Zimbabwean liberation struggle; specifically with regards to the liberation movements it influenced. In many instances, Southern Africa became the battleground for the Cold War superpowers with various conflicts taking place that were influenced by outside actors. It was no different in Zimbabwe. When the liberation struggle was at its most intense, Smith's regime managed to portray the guerrilla war not as a purely white-black conflict, but as a battlefield between the East and West in an effort to enlist the assistance of Britain and the United States (Guelke, 1980: 657). Furthermore, the split in the Eastern bloc between China and the Soviet Union had a particular influence on the liberation movements operating in Zimbabwe. Reed (1993: 40) states the following regarding this: "When the Sino-Soviet split erupted, and both emerging blocs sought to gain as many allies – including liberation movements – as possible". The Soviet Union and China, in a bid to attain the socialist leadership in Africa, provided (military and financial) aid to various liberation movements throughout Southern Africa (Southall, 2006: 225).

The USSR formally aligned itself with the older, more established movements, including the African National Congress (ANC), the Front for the Liberation of Mozambique (FRELIMO), the Southwest Africa People's Organization (SWAPO) and ZAPU. China, on the other hand, tended to support principal rival organizations of these groups, including ZANU (Reed, 1993: 40). These divergent trajectories of support tended to influence the military strategies, tactics and the worldviews that the movements adopted. ZANU's military-political strategy, for instance, was applied directly from the Chinese experience through which the countryside is gradually liberated and then the surrounding cities (Fogel, 1982: 350). China also had a

profound impact on the ideology that ZANU adopted and the liberation movement also started to reiterate a worldview that reflected this ideology (Reed, 1993: 41). ZAPU, on the other hand, moved closer to the Soviet orbit and also received military training from Soviet Union instructors (Gibson, 1972: 164; Shubin, 2007: 256). The Cold War also had a profound impact on the regional politics of Southern Africa, which in turn influenced also the liberation struggle in Zimbabwe.

Conflict between the Cold War superpowers in Africa was most intense in Southern Africa, especially after the Portuguese revolution of 1974 which led to the abandonment by Portugal of its African colonies (Angola and Mozambique) (Southall, 2006: 226). These developments had far-reaching consequences for the liberation struggles in Southern Africa (Guelke, 1980: 655). According to Guelke (1980: 655): “This (the Portuguese coup) ensured that the transition to majority rule in the Portuguese territories would be a revolutionary rather than an evolutionary character. Above all, it reinforced the trends towards radicalism in other countries in Southern Africa.” The developments in 1974 caused the interactions of events in the different countries to become marked. These international and regional factors all played a significant role in the Rhodesian liberation struggle and ZANU’s position as liberation movement.

3. 3. Historical overview: South Africa:

South Africa has endured a long history of exploitation and racist oppression initiated in the colonial era and ruthlessly entrenched during the Apartheid-era, stretching from 1948 until 1994 (Deegan, 2001: 4, 23). Similarly, the struggle against Apartheid was a long process that went through various phases, eventually leading to the climax of Nelson Mandela’s release from prison in 1990 and the ensuing negotiations of the early 1990s.

3.3.1 *Fighting for South Africa: The People’s War*¹²:

In 1948, the National Party government inherited a system of segregation that was on the verge of collapse due to accelerated industrialization during the Second World War and the

¹² People’s War refers to the approach of Vietnamese guerilla fighters that was later adopted by the ANC in their armed struggle against the Apartheid regime. In terms of a so-called ‘people’s war’, all individuals – including those who support the revolutionaries – are regarded as weapons of war (Jeffery, 2009: 26).

subsequent influx of Africans into urban areas (Clark & Worger, 2004: 36). Rejecting the Fagan Commission's¹³ recommendation that total segregation was impracticable, the Nationalist government went on to entrench segregation by rooting it into the ideology of Apartheid (Deegan, 2001: 23); thereby ushering in an unprecedented era of racial discrimination, exploitation and oppression. This provoked resistance to Apartheid from the beginning of the 1950s, initially taking on the form of passive resistance, evolving to an armed struggle by the start of the 1960s and finally developing into violent mass action in the aftermath of the 1976 Soweto revolt (Jeffery, 2009; McKinley, 1997).

The fight against Apartheid went through several different phases, evolving from peaceful and non-violent mass protest to armed struggle and violent mass action. The fight against Apartheid was led by the African National Congress (ANC). The ANC was established in 1912 with the principle purpose of defending and pressing for African civil and political rights (Dubow, 2000: 1). It was established in reaction to the creation of the union of South Africa in 1910. The early ANC's actions were influenced by moderate liberal-minded tradition "whose core components mixed appeals to moral authority with a measure of pragmatism and a willingness to compromise" (Dubow, 2000: 8). In 1949, the first step was taken against the newly instituted Apartheid regime with the ANC's adoption of the ANC's Youth League's Program of Action¹⁴ (Gerhart, 1978: 83). The program called for mass action in the form of boycotts, strikes and civil disobedience. These events, according to Gerhart (1978: 83), "opened a new phase in African politics". The Youth League sought a change of direction from the ANC's previous policies to more "direct forms of mass-orientated struggle" (McKinley, 1997: 15).

In 1953, the multi-racial, multi-organizational Congress Alliance¹⁵ was formed and went on to construct the Freedom Charter¹⁶ which set out its demands and basic program (McKinley,

¹³ A commission set up by the former government to evaluate the feasibility of total segregation, concluding that total segregation was impracticable. It therefore advocated the acceptance of a permanent 'native' population in urban areas (Deegan, 2001: 23).

¹⁴ The ANC Youth League was formed in 1943 under the leadership of Anton Lembede and seemed to adopt a more militant, revolutionary and racially exclusive position (De Jager, 2009:277).

¹⁵ The Congress Alliance was formed by the ANC, the Congress of Democrats, the South African Coloured Organization and the South African Indian Congress; the Alliance also included the newly formed South African Congress of Trade Unions (SACTU) and the (mainly white) Federation of South African Women (FSAW) (McKinley, 1997: 19).

1997: 20). The Charter became the ANC's basic policy document and embodied the vision for a democratic and multi-racial South Africa¹⁷ (Gerhart, 1978: 94). Furthermore, it included a discourse of rights in conjunction with one of liberation (Seekings, 2000: 7). The Charter set out a list of demands that included the following:

- * the people shall govern;*
 - * all national groups shall have equal rights;*
 - * the people shall share in the country's wealth;*
 - * the land shall be shared among those who work it;*
 - * all shall be equal before the law;*
 - * all shall enjoy equal human rights;*
 - * there shall be work and security;*
 - * the doors of learning and culture shall be opened;*
 - * there shall be houses, security and comfort; there shall be peace and friendship*
- (Freedom Charter, 1955).

It is clear from the above quote that some sections – for example “the people shall share in the country's wealth” – are ambiguous and unclear; the Charter was – and still is – therefore open to widespread interpretation due to its eclectic nature (McKinley, 1997: 21). According to Ellis and Sechaba (1992: 28), the Freedom Charter represented most of the distinct strands in the ANC and that it was not a policy document, but rather a declaration of principle. The result of this ambiguity meant that the strategic approach of the ANC Alliance was both a nationalist anti-Apartheid umbrella for all social forces as well as a revolutionary struggle for radical socio-economic transformation (McKinley, 1997: 22). This confirms the perception that the ANC represented a broad church of interests, ideologies and members ranging from “socially conservative and radical nationalists, democratic socialists, liberal constitutionalists and Marxists of various persuasions” (Lodge in Deegan, 2001: 28). The adoption of the Charter also elicited a repressive reaction from the Apartheid government who saw this as confirmation that the ANC was bent on a violent overthrow of the state (McKinley, 1997: 22). Furthermore, after the publication of the Freedom Charter, the state responded by passing two

¹⁶ The Freedom Charter was adopted at Kliptown in June 1955 (McKinley, 1997: 20).

¹⁷ In fact, some of the clauses present in the Freedom Charter were later to be incorporated into South Africa's post-Apartheid constitution in 1996 (Deegan, 2001: 28).

censorship Acts, namely: the Customs and Excise Act of 1955 and the Official Secrets Act (No. 16) of 1956 (Clark & Worger, 2004: 57).

A split occurred in the ANC ranks in 1959 due to the movement's accommodationist approach and cooperation with whites and Indians due to its relationship with the South African Communist Party (SACP). A small group that referred to themselves as Africanists were opposed to the Charter, were dissatisfied with the ANC's seeming ideological ambiguity and argued that the liberal multi-racialism of the Congress Alliance was undermining radical nationalism (Gerhart, 1978: 124; McKinley, 1997: 19). Consequently, the Africanists, led by ANC Youth League members Potlako Leballo and Robert Sobukwe, broke away from the ANC in 1959 and formed the Pan African Congress (PAC) (McKinley, 1997: 19). The PAC's emergence became a major challenge to the ANC as it gained a real foothold in some parts of the country (Ellis & Sechaba, 1992: 29). These events, coupled with the government's repression, would have a significant impact on the direction the struggle against Apartheid would take in the 1960s.

The Sharpeville shootings¹⁸ of March 1960 where 69 people were killed by police caused an uproar within South Africa and abroad and led to a shift in the struggle against apartheid. In fact, "among more militant opponents of the government, there was also a growing groundswell of anger and an increasing desire to jettison peaceful protest in favour of armed confrontation" (Jeffery, 2009: 1). The reaction from the black population to these shootings was swift with riots breaking out in Soweto, Cape Town, Durban and Port Elizabeth (Jeffery, 2009: 1). Sharpeville can be described as a turning point in the history of the liberation struggle; it brought unprecedented turmoil to the country and also, for the first time, widespread international condemnation. After Sharpeville, both the ANC and PAC were banned under the Suppression of Communism Act and forced into exile (Mandela, 1994: 287). In short, the banning of the ANC in the wake of the Sharpeville incident provided the justification for the launch of an armed struggle. According to Nelson Mandela (1994: 287):

¹⁸ On 21 March 1960, the PAC called for a mass protest campaign against the pass laws with large numbers of people gathering outside police stations in Nyanga, Langa and Sharpeville (Deegan, 2001: 31). The police opened fire on the protesters and subsequently killed an estimated hundred people; 69 in Sharpeville (McKinley, 1997: 26).

“Now even non-violent law-abiding protests under auspices of the ANC were illegal. The struggle had entered a new phase. We were now, all of us, outlaws.”

The ANC established their armed wing, Umkhonto we Sizwe (MK), in November 1961 and launched its sabotage campaign¹⁹ on the 16th of December 1961 (Jeffery, 2009: 4). The new organization was composed of leading ANC and SACP members with the SACP playing a dominant role within MK (McKinley, 1997: 30; de Jager, 2009: 277). The South African Communist Party (SACP)²⁰ – formerly known as the Communist Party of South Africa – had a major influence on the move to an armed struggle and the establishment of MK (de Jager, 2009: 277). Anthea Jeffery (2009: 4) confirms this by stating the following:

“...Joe Slovo, a member of the SACP’s central committee and one of the party’s most accomplished strategists, identified the ANC’s shift from a policy of non-violence to one of armed struggle as ‘one of the major struggles initiated by the leadership of the SACP.’”

Crucially, due to SACP’s connections in Moscow, the Soviet Union went on to provide the ANC with money, weapons, military training and leadership corps skills in revolutionary tactics (Jeffery, 2009: 4). The decision to launch an armed struggle and build a guerrilla army significantly increased the SACP’s weight in its alliance with the ANC (Ellis & Sechaba, 1992: 35). Meanwhile, the response of the South African government, under the leadership of Verwoerd, was swift and severe.

According to Deegan (2001: 32), the government responded to the activities of MK with even harsher methods of repression. This included legislation that gave the police authority to hold detainees for ninety days without trial and laws that upheld the death penalty for people found guilty of sabotage. In addition to this, the state made major arrests in 1962 and 1963; Nelson Mandela was arrested in 1962 (for sabotage) and in early 1963, almost the entire leadership of the ANC – and also MK – was arrested in Rivonia (McKinley, 1997: 31). The

¹⁹ Within 18 months of its establishment, MK carried out over 200 acts of sabotage, specifically targeting government buildings and property. Most of the attacks and explosions were directed at property rather than people (Jeffery, 2009: 4).

²⁰ The Communist Party of South Africa was established in 1921 and in 1928 it formed a relationship with the ANC (de Jager, 2009: 276) which would prove to be crucial in the struggle against Apartheid.

Rivonia accused – including Mandela who was Umkhonto's commander – were tried in October 1963 on charges of conspiring to overthrow the state by means of a violent revolution²¹ (Jeffery, 2009: 6). Eight of the accused²² were found guilty and sentenced to life in prison. This paralyzed the internal leadership of the armed struggle and left the responsibility of continuing the armed struggle primarily to the external mission of the ANC. It was seemingly decided, according to Eidelberg (1999: 57), that a guerrilla strategy would be pursued from bases outside the country; in other words, it would be directed by the ANC/SACP-alliance in exile.

Despite the increased assistance from the Soviet Union, the establishment of headquarters and military camps in Tanzania and insurgents at their disposal, the ANC found it difficult to infiltrate South Africa because the country was surrounded by Portuguese and British colonies (Jeffery, 2009: 7). The situation was compounded after a second tier of MK leaders inside South Africa were arrested. Furthermore, underground cells were destroyed and were not able to be rebuilt due to police infiltration. The flow of MK recruits also largely ceased due to economic growth and the generation of more jobs and better wages (Jeffery, 2009: 7). Despite the ANC's efforts to change the direction of the faltering armed struggle at a conference in Morogoro²³ in 1969, little progress was made (Jeffery, 2009: 8). The 1960s can be described as the 'hey-day' of Apartheid with the enforcement of Grand Apartheid through the policy of separate development that was advocated by H. F. Verwoerd (Clark & Worger, 2004: 59). During the 1960s, the NP government consolidated its power and resistance to Apartheid was muted (Jeffery, 2009: 13).

If the 1960s were characterized by the successful oppression of internal opposition to Apartheid, the 1970s represented resurgence in the struggle against the system (Deegan, 2001: 43). During the 1970s, South Africa experienced economic difficulties due to the limitations

²¹ The blueprint for the overthrow of the government was captured in a document *Operation Mayibuye* (Jeffery, 2009: 5). The document revealed a plan of prolonged guerrilla warfare in the hope to spark internal uprisings against the Apartheid state (McKinley, 1997: 31).

²² The accused included Nelson Mandela, Walter Sisulu, Govan Mbeki, Ahmed Kathrada, Raymond Mhlaba, Elias Motsoaledi and Andre Mlangeni (Jeffery, 2009: 6).

²³ There were three key developments at the conference: the formation of the Revolutionary Council who would be responsible for the coordination of the armed struggle, the admission of non-black members to the ANC and the adoption of *Strategy and Tactics*, a document outlining the military and political tactics necessary for a successful revolution (Jeffery, 2009: 8).

of Apartheid capitalism and changes in the world economy after the oil crises (McKinley, 1997: 41; Deegan, 2001: 43). This situation created fertile ground for renewed resistance against Apartheid. Tellingly, the ANC was not responsible for this renewed surge, but was rather largely forgotten by black South Africans (Jeffery, 2009: xxxii). By the mid-1970s the ANC (and SACP) had virtually no presence or role inside South Africa (Jeffery, 2009: 9). A new political movement, the Black Consciousness Movement (BCM)²⁴, a rejuvenated version of the Africanist tradition, had a major influence on the fight against Apartheid in the 1970s (McKinley, 1997: 44). The Black Consciousness Movement “prioritised struggles around culture and identity” (Seekings, 2000: 31). In other words, it focused on the psychological liberation of black people and was concerned with creating a new identity for black South Africans and “a new pride which could liberate them from subservient attitudes” (Gerhart, 1978: 271). The BC movement had a particular impact on and following from African intellectuals, the emerging black middle class and crucially students (Jeffery, 2009: 17). The impact of the BC philosophies, though, was the greatest on the urban black youth and this would prove to be a critical factor in the events to follow.

In 1976, despite growing militancy amongst the black youth, the government pursued a policy that decreed Afrikaans as the medium of instruction in black high schools (McKinley, 1997: 47; Jeffery, 2009: 17). Consequently on the 16th of June, 20 000 Soweto pupils marched in protest to this new language policy. Initially the protest march was peaceful, genial and high-spirited (Jeffery, 2009: 17). The events in Soweto had a ripple effect throughout the country with violence spreading from Soweto to other parts of South Africa with violent consequences (Jeffery, 2009: 18). Despite these developments, the state successfully subdued the potential insurgency with mass arrests and detentions. It was furthermore aided by the lack of well-organized structures to direct the action and anger that swept through South Africa (McKinley, 1997: 47).

After 1976, many youths left the country and flooded the ranks of Umkhonto we Sizwe to either evade incarceration, police violence or to contribute to the struggle against Apartheid (Jeffery, 2009: 20). It is important, though, to take note that many of the young people who

²⁴ The Black Consciousness Movement was co-founded by Steve Biko and Barney Pityana (Jeffery, 2009: 16).

flooded the MK's ranks did not do it out of an ideological or organizational affinity towards the ANC, but because of necessity (McKinley, 1997: 48). The ANC was the organization best equipped to provide lodging and other related resources (Jeffery, 2009: 20). Thus it can be argued that many of the (Black Consciousness) youths who joined the MK in exile were only partially willing recruits to the ANC's cause. Nevertheless, their arrival revitalized MK (Jeffery, 2009: 21). But in spite of the strengthening of MK and an increase in Soviet support, the ANC did not have a significant presence within South Africa despite still enjoying strong support (Jeffery, 2009: 23). However, the ANC had largely been eclipsed by new internal organizations.

By the end of the 1970s²⁵, the ANC concluded that in order for them to successfully confront the Apartheid government and gain an upper hand over its rivals, a fundamental change in strategy was needed. Thus, in 1979 a change in policy was announced, encapsulated in the so-called *Green Book*²⁶ that indicated a shift in the guerrilla warfare from focus on the countryside to an urban, and specifically township orientation (Eidelberg, 1999: 58). According to the *Green Book*, the ANC's aim was to seize power through a protracted people's war "involving the whole people and in which partial and general uprisings would play a vital role" and during this, the Apartheid state would be systematically weakened by a combination of political and military action (Jeffery, 2009: 41). According to Eidelberg (1999: 58), this included a broad spectrum of insurgency that involved links to legal and semi-legal mass political organizations. In addition to embarking on a campaign of armed propaganda²⁷ and other efforts to popularize the movement (Jeffery, 2009: 45), the ANC forged links with newly established civic organizations (Eidelberg, 1999: 58). This formed part of what Giap (in Jeffery, 2009: 62) refers to as the preparatory phases of the people's war.

²⁵ In 1978, a delegation from the ANC, SACP and Umkhonto went to Vietnam in order to gain knowledge in relation to the strategies used in the so-called people's war (Jeffery, 2009: 26).

²⁶ The *Green Book* was the ANC's strategic document for launching a full-scale 'people's war' in South Africa. It was composed by a special commission and drew heavily on the lessons learned in the Vietnamese war (Jeffery, 2009: 41).

²⁷ A program of violence aimed at stimulating political activity and organization; the ANC did this through a series of bomb attacks (Jeffery, 2009: 43).

According to Jeffery (2009: 56) and Eidelberg (1999: 59), the *Green Book* had emphasized the need for the creation of a nation-wide popular liberation front when the time was right. In 1983 a variety of newly established trade unions, civic organizations and other groups formed a broad alliance of anti-Apartheid movements under the aegis of the United Democratic Front (UDF)²⁸; this was done in opposition to the so-called tricameral constitution²⁹ that the P. W. Botha-led government proposed (Alden, 1993: 67). The UDF presented the product of six years of “fundamental transformation in extra-parliamentary politics in South Africa” (Seekings, 2000: 29). Even though a connection between the ANC and the UDF was denied, it was clear that the ANC and the social movement were closely involved (Jeffery, 2009: 63). In fact, the ANC gave direction to UDF activities while the UDF espoused the principles enshrined in the Freedom Charter (Seekings, 2000: 29). Furthermore, in 1985 the Congress of South African Trade Unions (COSATU)³⁰ was formed and soon after, contact between the new trade union and the ANC was established (Jeffery, 2009: 120). In 1987, COSATU made their support for and partnership with the ANC clear when they adopted the Freedom Charter (Jeffery, 2009: 121). Now with the support of these internal organizations, the ANC went on to implement the various stages of the ‘people’s war’.

In 1984, the ANC called for a people’s war that would make South Africa ‘ungovernable’ (Jeffery, 2009: 67). In 1984, townships in the Vaal triangle erupted in violent protest against local Apartheid controls and took to the streets, setting roadblocks, burning down businesses and government buildings and attacking municipal councilors (McKinley, 1997: 64). This would be the start of the period of ‘ungovernability’ and the most intense, violent and sustained mass struggle in South African history (Lodge, *et al*, 1991: 65). These events propelled the struggle into a new phase with boycotts, protest marches and funerals came to dominate the political landscape as South Africa was immersed in violent unrest (Alden, 1993: 68). According to Eidelberg (1999: 58), the ANC, in an effort to garner the allegiance of the township inhabitants, used a considerable amount of armed violence which the UDF condoned. Related to the notion of a ‘people’s war’ was that of ‘people’s power’ (Eidelberg,

²⁸ The official launch of the UDF took place on August 20, 1983 (Lodge *et al*, 1991: 49).

²⁹ P. W. Botha’s attempt to rearrange Apartheid through the cooption of the Indian and colored communities. Through this, Indians and coloreds would have representation in government, whilst the African majority was excluded (Deegan, 2001: 54).

³⁰ COSATU brought together the unions that had been in FOSATU, the National Union of Mineworkers (NUM) and several independent unions (McKinley, 1997: 70).

1999: 58). ‘People’s power’ was closely linked to the civic organizations, such as the UDF, and was characterized by violence in particular against the township administration (Eidelberg, 1999: 58). In the wake of the 1985-1986 collapse of community councils, township civics and youth organizations often took over, leading to acts of severe violence, including a practice known as ‘necklacing’³¹. According to Jeremy Seekings (2000: 23), the 1980s were “the decade of the toyi-toyi and the necklace, the comrade and the collaborator, of ungovernability and people’s power.”

The government, in turn, responded to the growing resistance during this period of time with increased repression in the form of successive States of Emergency (Seekings, 2000: 145). In July 1985, P. W. Botha declared a State of Emergency in 36 districts in the Eastern Cape, the east Rand, the Vaal triangle and areas near Johannesburg which contributed to the escalating violence (Jeffery, 2009: 99). The new policy that was adopted by the state was known as the ‘total strategy’ and would take on an indirect form by using various channels, for example propaganda, media, societal, education, et cetera. Shortly after the state of emergency in 1985, the government deployed thousands of South African Defense Force (SADF) troops into the townships (McKinley, 1997: 72). The military approached the revolt in terms of ‘low intensity’ warfare that aimed to pacify the population not through conventional methods of military involvement, but via clandestine grassroots operations (Deegan, 2001: 63). Vigilante killings (black-on-black violence) and clandestine assassination squads launched a new pattern of aggressive violence in the townships. On the 12th of June 1986, a second State of Emergency was announced in all parts of South Africa, except the homelands (Jeffery, 2009: 136). These States of Emergency were particularly damaging to the UDF because it included detentions, censorship and *de facto* military rule (Lodge *et al*, 1991: 87). Even though the ‘low-intensity’ warfare was effective in terms of repression and disorganization, it only created a continuous cycle of violence and according to some analysts, the activities of the security forces only fuelled the anarchic state of affairs (Deegan, 2001: 67). By the end of the 1980s, it became evident that low-intensity warfare could not continue indefinitely and that the government’s counter-revolutionary strategy had brought South Africa to the brink of civil war.

³¹ ‘Necklace’-killings were horrific acts of violence in which a tire was placed around a victim’s neck, filled with gasoline or diesel oil and then set on fire (Jeffery, 2009: 110). The victim suffered great physical pain as well as enormous psychological trauma.

The struggle against Apartheid was long, hard, complex and very violent – evolving from passive resistance in the 1950s to a fierce people’s war in the 1980s. Furthermore, it involved a variety of actors that had a significant influence on the struggle for liberation and the repression thereof. Eventually the events culminated in the negotiations of the early 1990s that would lead to the transition from minority to majority rule.

3.3.2 Transition to Majority Rule: Negotiating with the Enemy:

With the emergence of F. W. de Klerk at the end of the 1980s and the changes in the world system after the collapse of the USSR, avenues for formal talks and negotiations between the government and the ANC were opened. De Klerk, in 1990, announced a change of course by stating that the government would seek a political, rather than a military solution to the demands of black opponents (Deegan, 2001: 69).

It has to be kept in mind, however, that the road to talks “had been long and winding” and throughout the 1980s, influential forces pushed the leaders of the NP-government and ANC to negotiations (Butler, 2007: 267). Thus by the time De Klerk came to power in 1989, there had been extensive contact between the liberation movement leaders and the government’s intelligence services. For instance in 1986, the ANC and the government were already involved in discussions while in 1987 Frederik van Zyl Slabbert organized the Dakar conference between a group of prominent Afrikaner intellectuals and the ANC who participated in talks about how democracy could be established in South Africa (Jeffery, 2009: 156, 168). One of the main reasons for this was the rapidly changing international context – which will be discussed in more detail later – with the Cold War cooling down after 1986 (Deegan, 2001: 71). Support for the ANC from the Soviet Union was drastically cut back after 1989, whilst the US and Western allies of the South African government withdrew its backing due to the collapse of communism; thus both parties were weakened and not in the position to defeat the other one militarily (Southall, 2006: 227). Both sides had reached a stalemate. Thus, this situation essentially pushed the ANC and Apartheid government to the negotiation table (Deegan, 2001: 74). This process was initiated with the release of Nelson Mandela and the unbanning of the ANC and SACP in February 1990.

On 2 February 1990, Pres. F. W. de Klerk announced the unbanning of the ANC and SACP and on 11 February 1990, Nelson Mandela was released from prison after 27 years (Jeffery, 2009: 236). Wa Muiu (2008: 131) notes how the internal organization of the ANC changed after the return of the exiles and how this ultimately affected their strategy at the talks with the government. Due to the ANC's eclectic organizational structure, there was crisis of identity and ideological confusion that was compounded by disagreement over future leadership. The National Party, on the other hand, – since the split between the conservatives and liberals in 1982 – was a far more settled party (Wa Muiu, 2008: 133). McKinley (1997: 106) argues that the Apartheid government sought to exploit this new situation, including the disorder within the ANC, to conduct a “two-tier strategy – the use of violence and negotiation – which would weaken the ANC-led Alliance on the ground and it was hoped at the negotiations table as well.” As a result of this, violence and clashes between the police and opposition forces continued amid the preparations for the negotiations (McKinley, 1997: 10; Jeffery, 2009: 244).

In December 1991, the ANC and NP were joined by various other political organizations³² – nineteen in total – to conduct the Convention for a Democratic South Africa (CODESA) (Deegan, 2001: 78; Wa Muiu, 2008: 136). Delegations from these nineteen organizations came together in an effort to negotiate the future of the country. CODESA³³ exposed the divergent and conflicting views of the major parties regarding the nature of the new South African state (Wa Muiu, 2008: 138). Spitz (in Butler, 2007: 291) makes the following observation: “CODESA was responsible for exposing, rather than reconciling, basic differences between the parties.” By the second half of 1992, the negotiations reached a dead-end with the ANC turning to mass protest during this stalemate in an effort to remove the government. This only led to more violence and the breakdown of law and order, but with intense international pressure on the government and the ANC, negotiations resumed with the signing of the Record of Understanding (Deegan, 2001: 81). By November 1993, agreement was reached on the interim constitution that would form the basis of the government of

³² The Conservative Party, AZAPO and the PAC refused to attend the convention (Deegan, 2001: 79).

³³ CODESA 1 was organized around a management committee and utilized five working groups to look at specific issues. Working group 1 (WG1) focused on the international community and free political participation; WG2 was assigned with exploring constitutional principles and constitution; WG3 looked potential forms of interim government; WG4 dealt with the Bantustans; and WG5 looked at the time frames (Butler, 2007: 292)

national unity and on 22 December 1993, the interim constitution was adopted by parliament (Deegan, 2001: 85; Butler, 2007: 310). In addition to this, the remaining Apartheid legislation was removed and the Electoral Act was adopted. The negotiations, although treacherous at times, brought the NP and ANC together in antagonistic cooperation; both parties realizing that the alternative to negotiation would be civil war. It was decided that on 27 April 1994, South Africa would hold its first democratic elections, bringing an end to Apartheid and ushering in the period of liberal democracy.

Unfortunately as in Zimbabwe's case, the run-up to the liberation-elections was marred by acts of systematic and politically-driven violence, especially in Kwazulu-Natal. March and April in 1994 were some of the most violent months in the history of political violence in Kwazulu-Natal; largely between the ANC and IFP (Deegan, 2001: 104). The reasons for the violence between the two parties were related to political competition, suggestion of 'third force' involvement and also ethnic antagonism (Deegan, 2001: 105). Whatever the reason for the violence, it threatened to undermine the elections and Independent Electoral Commission (IEC) finally enlisted the help of the SADF to manage the elections (Deegan, 2001: 106). The IFP only agreed the week before the election to participate, stemming the tide of political violence with the decision (Deegan, 2001: 107). On 27 April 1994, 86% of the registered voters participated in the historic elections with the ANC winning a big majority of the vote (62.5%) and NP together with the IFP gained 30% of the national vote (Deegan, 2001: 107). The elections, despite difficulties were declared largely free and fair by the IEC (Deegan, 2001: 112). The 1994 elections marked the end of Apartheid and racial discrimination and was the first step towards a new political dispensation.

3.3.3 The International Context:

As in Zimbabwe's case, the international context and external actors exerted considerable influence on the liberation struggle in South Africa and the transition to majority rule. This specifically relates to the Cold War-security context, regional geopolitics and international condemnation of Apartheid. In this section, focus will be placed on all the above factors and the impact they had on the liberation struggle in South Africa.

As with most liberation struggles in Southern Africa, the Cold War-security context played a major role in the struggle against Apartheid and the Apartheid regime's counter-revolutionary efforts. As said in the preceding section on Zimbabwe, the USSR – in competition with China – supported the ANC (and ZAPU) in Southern Africa (Southall, 2006: 225). The provision of support can mainly be attributed to the links that the SACP in South Africa had with the Soviet Union; thus due to this, the ANC was provided with resources, both financially and military by the superpower (de Jager, 2009: 277). Umkhonto we Sizwe soldiers also received training in the Soviet Union from the 1960s onwards, specifically training in guerrilla warfare (Shubin, 2007: 253). Therefore, the Soviet Union became a key ally to the ANC/SACP-alliance and had a significant impact on the ability of the liberation movement to conduct a liberation struggle against a powerful and repressive state. On the other side of the Cold War coin, the Apartheid state became “an investment haven and a much needed ally of the West in the ongoing Cold War” (McKinley, 1997: 36). The Cold War-security context also had a major impact on the role South Africa took on in Southern Africa.

South Africa played a vital role in the conflict between the capitalist West and communist East on Southern African soil; essentially proving to be a bastion against communism in the region (Southall, 2006: 226). The conflict between the superpowers was the most intense in Southern Africa, especially after the Portuguese revolution of 1974 (Southall, 2006: 226). This had a major impact on the liberation struggles with Alden (1993: 66) stating the following: “The collapse of Portuguese suzerainty in Mozambique and Angola was a watershed event in the history of southern Africa. With the establishment of avowedly Marxist-Leninist regimes in Luanda and Maputo, the *cordon sanitaire* of white settler states surrounding South Africa was irrevocably punctured.” Vitally for the ANC, the change of government in Mozambique created new opportunities to infiltrate South Africa from a bordering state (Jeffery, 2009: 11). These developments impacted the strategy of the Apartheid regime and enhanced the opportunities of the liberation movement.

Meanwhile, the South African government adopted a program of destabilization against the new independent, black and Soviet-backed regimes. For instance, in 1981 the South African Defence Force (SADF) began striking ANC targets in adjacent countries, including Mozambique (and Lesotho) (Jeffery, 2009: 54). The Botha-regime launched raids and

bombing attacks on neighboring Mozambique and Angola where MK was based (McKinley, 1997: 53). The post-1980 Mugabe regime in Zimbabwe was also a target of this destabilization by means of “direct military action including sabotage, clandestine support for banditry, assassination, espionage, economic sabotage, propaganda and disinformation” (Johnson & Martin, 1988: 57). This was due to the Mugabe regime’s support for the South African liberation movements, diplomatically and by allowing the ANC – and the PAC – to set up bases in Zimbabwe. The main purpose of this destabilization was to weaken the ANC’s quest to launch an offensive against the Pretoria-regime. But by the end of the 1980s, international condemnation of Apartheid had grown considerably – largely due to the ANC’s diplomatic efforts – and the Cold War was cooling down, changing the complexion of the liberation struggle and the government’s efforts to stop it.

After 1986, the relations between the Soviet Union and the West were evidently softening and during various meetings between the two superpowers, it became apparent that the USSR wanted to reach an agreement about its aims in Southern Africa (Deegan, 2001: 71). Alden (1993: 69) states that by the beginning of the 1980s, as a result of mounting financial costs, the Soviet Union found itself in severe crisis; something that was recognized by the country’s leadership in 1986, the year Mikhail Gorbachev’s reforms were initiated. This had a significant impact on its approach to the Third World, placing emphasis on negotiation rather than engaging in conflict. Therefore considering the Soviet Union’s change in policy towards the region, the Apartheid regime’s ‘total strategy’ approach against the ‘total communist onslaught’ – which almost brought the country to the brink of civil war – did not seem justified (Deegan, 2001: 73). In fact, the harsh and violent suppression of domestic opposition in the mid-1980s began to frustrate and embarrass the United States with Apartheid becoming a major domestic issue in America. Consequently, in 1986, the US Congress passed the far-reaching Anti-Apartheid Act which introduced economic sanctions (Deegan, 2001: 73). In terms of the ANC, Soviet support for the liberation movement was removed after the collapse of communism in 1989. Thus, with the collapse of communism both Soviet support for the ANC and Western support for the South African state disappeared, consequently forcing the two parties to the negotiating table (Southall, 2006: 227). It is thus clear that international factors and external actors had a profound impact on the course, character and outcome of the liberation struggle and also the negotiations that followed.

3. 4. Comparison: Accounting for similarities & differences:

The first obvious similarity between the two cases is that the liberation struggles were conducted against white-minority regimes. In Zimbabwe, the liberation struggle was directed against the settler governments, especially Ian Smith's regime, and in South Africa, it was directed against the Apartheid regime. The difference here, though, is that British colonialism played a major role in Zimbabwe's case. Therefore, Zimbabwe's liberation struggle was as much about racial emancipation as it was about independence from British colonialism. South Africa on the other hand was characterized by a 'colonialism of a special type' where white South Africa was essentially an 'imperialist state' and black South Africa its 'colony' (Jeffery, 2009: 5). Initially, resistance against these regimes was peaceful with movements in Zimbabwe appealing to Britain for intervention while the ANC opted for non-violent, mass protest (Fogel, 1982: 339; McKinley, 1997: 18). It is interesting to note that in both cases, around the same time, the main liberation movements underwent a split. In Zimbabwe, ZANU split from ZAPU and the PAC split from the ANC. In Zimbabwe's case, the split in ZAPU was largely due to dissatisfaction with Nkomo's leadership and the lack of political activity in the country (Gibson, 1972: 174). In South Africa's case, the PAC split because of dissatisfaction with the ANC's accommodationist approach and its close relations with white and Indian groups (McKinley, 1997: 19). These movements were all banned in the 1960s by the respective Rhodesian and Apartheid regimes; subsequently forcing them into exile. This provided the impetus for the launch of armed struggles against the repressive minority regimes.

One of the most important differences in terms of the armed struggle seems to be the terrain on which it was fought – in Zimbabwe, it was exclusively rural and in South Africa, it was largely urban (Phimister, 1995:89). The peasant commitment was crucial to ZANU's election victory while the support of the urban, working class underpinned the ANC's electoral victory. Another difference in terms of the armed struggle was that the two main movements were supported by different superpowers due to the Sino-Soviet split. ZANU received support from China, while the ANC received support from the Soviet Union. The PAC, the rival to the ANC, also received assistance from China, while ZAPU – ZANU's rival – had the USSR's backing (Southall, 2006: 225). ZANU and PAC, due to their ties to China, shared an affinity, while the ANC and ZAPU had a partnership (Stiff, 2000: 31; Gibson, 1972: 165). The wider

Cold War-security context and the effects this had on the Southern African region, greatly influenced the liberation struggles in Zimbabwe and South Africa. In both cases, the Portuguese revolution of 1974 and the emergence of black regimes in Mozambique and Angola had a powerful influence on the events in both Zimbabwe and South Africa (Kössler, 2010: 34).

It is also interesting to note that in both Zimbabwe and South Africa the minority regimes attempted to co-opt leaders or sections of the population into a partnership; this was rejected in both cases. In Rhodesia, Smith “co-opted Muzorewa and Sithole, and a puppet tribal chief into his government in an ‘internal settlement’” (Fogel, 1982: 355) while in South Africa, the government attempted to make Apartheid work by adopting the so-called tricameral constitution, through which colored and Indian South Africans would have representation in parliament (Deegan, 2001: 54). In both cases, this seemed to be the final attempt of flagging minority-regimes to survive. Another similarity that both Zimbabwe and South Africa share is negotiated transitions to majority rule as opposed to civil war.

Dorman (2006: 1087) makes the point that “none of these countries can be considered to have gained independence as a result of military victory. The combined effect of ‘bush war’ and international pressure led to multi-racial elections and the negotiated removal of settler rule.” In having said that, Phimister (1995: 89) argues that ZANU came closer to overthrowing the Smith regime than the ANC came to overthrowing the Apartheid government; therefore, “ZANU entered negotiations in a much stronger position than did the ANC in its turn, as witnessed by the constitutional provisions for compulsory coalition government which the latter was obliged to accept.” In both cases, the liberation movements made considerable concessions due to desire to have peaceful transitions to majority rule. It is also important to mention how international conditions and external actors affected the negotiation process.

In Zimbabwe, the negotiations were affected by the desire of Britain and the Frontline States to bring about a peaceful conclusion to the armed liberation struggle. As said earlier, Joshua Nkomo and Robert Mugabe were basically forced into negotiations due to the threat from Kenneth Kuanda that if they failed to do so, that the Front Line States would withdraw their

support and subsequently end the liberation struggle (Reed, 1993: 51). It has to be kept in mind that Zimbabwe's negotiated transition took place in a time when superpower rivalry in Southern Africa was still rife. In South Africa's case, the end of the Cold War seemed to be a major catalyst for negotiations to take place. With the collapse of communism both Soviet support for the ANC and Western support for the South African state disappeared, consequently forcing the two parties to the negotiating table (Southall, 2006: 227).

3. 5. Conclusion:

It is clear from the preceding comparison that Zimbabwe and South Africa in terms of their liberation struggle history share various similarities, but also reveal a plethora of differences. This comparison of the liberation struggle history is vital to our understanding of the post-liberation dispensations, including the metamorphosis of the liberation movements into governing parties and the adoption of liberal democratic politics. In the following chapter, the respective political cultures of each movement that developed during the liberation struggles and evolved in the post-liberation eras will be investigated.

Chapter 4

From Liberation Movements to Ruling Parties: Investigating the political cultures of ZANU-PF and the ANC

4. 1. Introduction:

The struggles for liberation in Southern Africa have left indelible marks on the post-liberation politics of the states involved. Even though the experiences of the different countries may vary, there seems to be agreement amongst scholars (Dorman, Melber, Southall) – as pointed out in *Chapter 2* – that the armed struggles many liberation movements engaged in produced a certain political culture within these movements. This political culture, in turn, has affected the liberation movements' metamorphosis into ruling political parties and their behavior as ruling parties.

Before we can comprehend the effect of liberation movement governance on democratic consolidation, we need to understand the internal political culture that drives these movements. Therefore, in this chapter, the political cultures of both ZANU-PF³⁴ and the ANC will be discussed, specifically focusing on i) the organizational structures and hierarchy that have developed within each movement; ii) the ideological inputs that have guided their behavior; iii) their exposure to and use of violence; and iv) also hostility towards opposition. The purpose of this is firstly to investigate the political cultures of ZANU-PF and the ANC respectively and secondly to compare the two cases in order to account for similarities and differences.

4. 2. The Logic of Liberation: The political cultures of ZANU-PF and the ANC:

Political culture – which is nurtured over an extended period of time – refers to people's values, beliefs and orientation toward the political process and is vital to the development of regime legitimacy and stability (Mahler, 2003: 15). Diamond, Linz and Lipset (1995: 19)

³⁴ The Patriotic Front (PF) referred to the alliance between Joshua Nkomo's ZAPU and Robert Mugabe's ZANU in the late 1970s and specifically during the Lancaster House Conference (Campbell, 2003: 22). Even though ZANU and ZAPU's alliance broke down and they did not contest the elections together, ZANU retained its title as ZANU-PF in the post-liberation era.

define political culture as the “beliefs and values concerning politics that prevail within both the elite and the mass” while Almond (in Mahler, 2003: 15), states that political culture consists of “the system of empirical beliefs, expressive symbols, and values which defines the situation in which political action takes place.” It is therefore clear that political culture has a crucial influence on the establishment and people’s acceptance of a particular political regime.

Therefore, it can be argued that the successful establishment and endurance of democracy hinges largely on people’s – especially the political elite’s – acceptance of democratic procedures and institutions as the most appropriate way of governing collective life (Linz & Stepan, 1996: 16). Or in other words, it depends on the development of a *democratic* political culture amongst the citizenry of a state, including the political elite. A democratic political culture consists of the following: “[a] belief in the legitimacy of democracy; tolerance for opposition parties...; a willingness to compromise with political opponents...; trust in the political environment, and cooperation, particularly among political competitors; moderation in positions and partisan identifications; civility of political discourse; and political efficacy and participation...” (Diamond, Linz and Lipset, 1995: 19).

However, as various scholars (Dorman, Melber, Southall) have pointed out, the political culture of liberation movements – which now form part of the political elite – seem to exhibit anti-democratic tendencies that have their origins in protracted armed liberation struggles. In fact, many liberation movements have found it difficult to establish a democratic political culture within their own ranks (Gumede, 2007: 12). Furthermore, Diamond, Linz and Lipset (1995: 19-20) argue that democratic success in developing countries can be traced not only to the growth and development of democratic values, but also to their origins in a country’s historical and cultural traditions. When looking at the history of both Zimbabwe and South Africa, it is clear that the experience of prolonged periods of authoritarian rule and drawn out armed struggles had a detrimental effect on the development of a democratic political culture – especially within the ranks of the respective liberation movements.

The experiences of state oppression and prolonged violence, as discussed in the previous chapter, have predisposed liberation movements to “a particular type of politics, self-

conception and relationship with other organizations and the people or nation as a whole” (Suttner, 2004: 2). This has occurred because:

“Prolonged warfare leads to the development of hierarchies, hardship and brutality have been experienced, and links with external supporters and arms dealers have been strengthened. These factors continue to influence the style of governance, institutional reforms and relations with civilian populations ‘post-liberation’” (Dorman, 2006: 1086).

Thus, the adoption of “rough survival strategies and techniques while fighting an oppressive regime” caused a highly militarized and authoritarian culture to take root and to be permanently nurtured (Melber, 2010). Roger Southall (2003: 31), in addition to this, argues that the logic of national liberation struggles – or the political culture of liberation movements – seems to be authoritarian in nature and reluctant to engage with democracy. Thus, rather than promoting democracy, it suppresses it.

4.2.1 ZANU-PF: From Heroes of Liberation to Masters of Suppression:

Over the last thirty years, Robert Mugabe’s ZANU-PF went from being a popular liberation movement fighting Ian Smith’s minority regime to being Zimbabwe’s increasingly authoritarian ruling party, displaying complete disregard for democratic procedures and institutions. In accordance with this, William Gumede (2007: 12) states that ZANU-PF “has become the symbol of the descent of African liberation movements into brutal dictatorship” while Bratton and Masunungure (2008: 42) characterize the Zimbabwean regime as “a militarized form of electoral authoritarianism.”

4.2.1.1 Organizational structure & hierarchy:

The Zimbabwean African National Union (ZANU) was established in 1963 after senior members from the Zimbabwean African People’s Union (ZAPU) broke away from the movement in protest against Joshua Nkomo’s leadership (Gibson, 1972: 174). ZANU immediately made its intentions clear when its then leader, Reverend Ndabaningi Sithole (in Gibson, 1972: 175), stated the following:

“African politics in Zimbabwe, as well as in European-ruled Africa, began as ‘reformist politics’, but now we have entered the phase of ‘take-over’ politics, as it is impossible for the present white minority to rule Zimbabwe for the benefit of the voteless (sic) African majority. We have entered the period of political confrontation... We have a duty to ourselves and to unborn generations of Zimbabwe, and that duty is to free Zimbabwe. ‘We are own liberators’.”

ZANU was divided into two wings: a military and political wing that both operated within Rhodesia. The military wing (ZANLA) was responsible for waging the liberation war (Skagen, 2008: 55). It was organized along the lines of the Chinese and Vietnam guerilla armies and adopted Mao Zedong’s three stages of guerilla warfare³⁵ as its main strategy (Campbell, 2003: 47; Skagen, 2008: 51). The political wing, on the other hand, was responsible for the socialization, politicization and mobilization of the masses within Rhodesia. Furthermore, at ZANU’s first conference in 1972, a Central Committee was selected to plan and execute a national revolutionary struggle, ultimately becoming the core leadership of the movement (Skagen, 2008: 51). During the struggle, the Central Committee was divided into an internal and external branch – the internal branch was responsible for spreading propaganda, for providing information and for preparing the population for insurgency (Skagen, 2008: 55). The external branch – which was present in not only neighboring countries, but also all across the world – was the main decision-making wing and was focused on bringing the world’s attention to events in Rhodesia. It is important to note that the leaders of the newfound movement had also been part of the elite in ZAPU; in other words, there was no substantial change in the type of leadership that headed ZANU. Thus, the leadership of ZANU was dominated by a nationalist petit bourgeoisie or a so-called ‘old guard’. When most of ZANU’s leadership was detained in 1964, the movement was forced to operate in exile, impacting the organization and functioning of the movement.

³⁵ The three stages of guerrilla warfare included a strategic defensive stage, a strategic offensive stage and a mobile warfare stage (Skagen, 2008: 51). The ZANLA guerrillas operated in groups of four or five and after a brief training period in Mozambique, they entered the operational zones of the Rhodesian forces to engage the army (Campbell, 2003: 47). Key to this strategy was the mass support of the rural population. Once they (ZANLA fighters) were inside Zimbabwe, they made use of the village communities’ ideological, political, cultural and economic resources.

Exile politics played an important role in the organizational hierarchy and the source of authority that developed within ZANU. Due to the Smith regime's ban of ZANU (and ZAPU) in 1964, the movement relocated its headquarters outside Rhodesia and went on to become an underground domestic movement (Reed, 1993: 36). In addition to this, the top leaders of ZANU, including Sithole and Mugabe, were detained from 1964 onwards (Gibson, 1972: 342); Mugabe, for instance, was imprisoned for eleven years (Meredith, 2002: 37). Due to these events, a split occurred in ZANU's ranks between the reformist 'old guard' – specifically Reverend Sithole – and the young, radical guerrilla soldiers (Fogel, 1982: 343). There was a feeling among some of the rank and file members that the struggle was not moving at a rapid enough pace and complaints were also raised about so-called 'bourgeoisie leaders' (Fogel, 1982: 182). This clearly indicates that a gap existed between the top leadership of the movement and the experiences of rank and file members who were directly involved in the armed struggle. In fact, at one stage ZANLA basically operated independently from the political leadership, indicating how severe the chasm between the military and political wing of the movement had been (Campbell, 2003: 47).

The circumstances of prolonged warfare necessitated the emergence of “a strong leader who could combine both military and political attributes” (Ndlovu-Gatsheni, 2002: 107). ZANU found this leader in the form of Robert Mugabe who came to power in 1977 after Reverend Sithole resigned (Foley, 1982: 349). In his tenure as ZANU-PF's leader, Mugabe has steadily tightened his grip on power, creating a situation within the party whereby he is nearly irreplaceable (Moore, 2006: 132). In accordance to this, Sabelo Ndlovu-Gatsheni (2002: 109) makes the following observation: “...the glorification of nationalist leaders engineered a feeling of indispensability as well as irreplaceability (sic).” Mugabe has, for example, acquired the power to “assign posts in the Politburo, the Cabinet, and the 30 MPs he appoints after elections to that assembly” (Moore, 2006: 133). Furthermore, he has managed to stay in power by bringing people into his inner circle and expelling those who pose a threat to him or are no longer useful. The reasons for Mugabe's prominence and hold on power are rooted in the liberation struggle. Firstly, due to Marxist-Leninist ideology, the importance of a movement's leader was solidified (Ndlovu-Gatsheni, 2002: 107). Secondly, there was a glorification of the party leader and the party itself during the liberation struggle; for example: “*Pamberi ne ZANU, Pamberi na Robert Gabriel Mugabe!*” (Forward with ZANU, Forward

with Robert Gabriel Mugabe) (Ndlovu-Gatsheni, 2002: 107). Lastly, it was also very difficult to criticize nationalist leaders (such as Mugabe) due to the culture of suspicion and fear and the siege mentality that had developed (Ndlovu-Gatsheni, 2002: 108). This military mindset, thus, has not only affected the organization, but also the source of authority within the movement.

The party, according to Stiff (2000: 30), was and is still structured along the lines of Soviet and Chinese communist parties with a Politburo and Central Committee, highlighting the influence of communist-socialist ideologies. Power is centralized around a core leadership that is made up of the members of the Politburo, Central Committee and (after the 1980 elections) its parliamentary caucus (Sithole & Sithole & Makumbe, 1997: 123). Furthermore, this core leadership is relatively small, mainly due to the overlap of members from the top three structures of the party. Therefore, decision-making is left in the hands of an elect few. Since 1989, with the adoption of a new party constitution, Politburo members are no longer selected by the Central Committee, but are appointed by the party president, in this case Mugabe (Knight, 1991: 26). Furthermore, the 1989 party constitution also afforded the party president the power to control the appointments of the decision-making committees and this, according to Knight (1991: 26), caused veterans of the struggle to become entrenched in party posts while young leaders and popular grassroots-level figures have been left out. Mondli Makhanya (in Stiff, 2000: 30) states the following with regards to the power relations within the liberation movement:

“A caste system of chefs (chiefs) – a nickname given to the exile leadership – and povos (people in the sense that they are peasants) – those who had never been exiled – became entrenched in the national psyche. The chefs were the wise liberators, and the povos owed them for their liberation and would not dare raise a voice against them”.

Ndlovu-Gatsheni (2002: 103), in accordance to the above-mentioned, states the following: “The guerrilla armies and nationalist parties were never democratically structured and did not operate in a democratic fashion. They were highly commandist (sic) and authoritarian.” Due to requirements (both military and politically) of the armed struggle, a culture of discipline,

covert operation and hierarchy inevitably developed (Southall, 2003: 36). Phimister (2008: 212) also points out that, during the armed struggle, ZANU was hierarchical and authoritarian and it continued to be “militaristic, vertical, undemocratic, violent and oppressive” after Zimbabwe gained independence in 1980. In addition to this, having been a militarized liberation movement, the ruling party has also failed to demilitarize itself in the post-1980 era; both in practice and in attitude (Ndlovu-Gatsheni, 2002: 111). This clearly indicates the lack of an internal democratic political culture.

From this, it becomes apparent that ZANU as a liberation movement operated with a clear hierarchy of command in which the ‘old guard’ enjoyed authority. It is also clear, due to the nature of the conflict and the influence of communist-socialist ideologies that an authoritarian and distinctly undemocratic political culture developed within the movement. This corresponds with Henning Melber’s (2009) assertion that the armed liberation struggles were not conducive for the development of a democratic political culture because the methods of resistance against repressive regimes were organized in strictly authoritarian and hierarchical lines. As Zimbabwe’s ruling party, ZANU-PF has continued to operate in an authoritarian manner under the leadership of Robert Mugabe who has ingrained himself as a lifelong leader of the party.

4.2.1.2 Ideological inputs:

Various scholars (Gibson, 1972; Fogel, 1982; Reed, 1993) seem to agree that ZANU was more militant, violent and radical in its rhetoric than its rival nationalist movements. For example, it was ZANU who called for the preparation for a direct (military) confrontation with the white regime (Gibson, 1972: 175). An important influence in this regard was the combination of Marxist-Leninist-Maoist thought that infiltrated the convictions, strategies and methods of the liberation movement. By 1977, ZANU had officially committed itself to socialism, based on the principals of Marxism-Leninism and with the adoption of a new party constitution in 1984, the ruling ZANU-PF expressed its desire to create a socialist state in Zimbabwe based on Marxist-Leninist principals (Shaw, 1986: 374). This was largely due to ZANU’s partnership with China during the liberation struggle. According to Reed (1993: 41), ZANU’s ties with China had a significant impact on the ideology that it adopted. In addition to this, it has also been argued that it was ZANU’s objective to place “all means of production

and distribution...in the hands of the people of Zimbabwe” (Mwenge in Reed, 1993: 41). Furthermore, ZANU also now saw itself as the vanguard party which would guide the revolution and socialist transformation.

The impact of these ideas was most evident amongst the young guerrilla cadres fighting in the ZANLA ranks. Alexander and McGregor (2004: 80) argue that the guerrilla fighters’ commitment was political and that over time some of them went from being nationalists to being socialists. This is mainly due to the guerrillas’ military and socialist training (Alexander & McGregor, 2004: 81). The above-mentioned also corresponds with Foley’s (1993) discussion on the political education of guerrillas during the height of the liberation struggle. The themes of ZANLA political education for example included: the history of colonial oppression, the need for solidarity and sacrifice in the struggle, the history of ZANU and the theory of guerrilla war. There seemed to be at least some conception of key socialist notions such as class, class exploitation and capitalism (Foley, 1993). But, crucially, the focus was on a *racial* conception of exploitation and the resultant system which grew out of it. Thus, one can argue that the application of socialist ideology was more a means to an end rather than an end in itself. The reality was – as pointed out by a few scholars (Gibson, 1972; Fogel, 1982; Foley, 1993; Ndlovu-Gatsheni, 2002) – that ZANU was a nationalist movement with a petit bourgeoisie nationalist leadership whose focus was on the capture of state power and not necessarily on the radical and socialist transformation of society. Nevertheless, socialist ideology and rhetoric did come to have an impact on the values and ideas and the internal organization of ZANU. This would have a profound impact on ZANU’s metamorphosis from a liberation movement to a political party in a liberal democratic setting.

Since the 1980s, according to Sithole and Makumbe (1997: 122), ZANU-PF sought to establish a one-party state and the socialist ideology (as discussed above) that the ruling party adopted, only confirmed this desire. Mugabe (quoted in Norman, 2008: 79) made this intention clear in 1984 when he made the following claim in an attempt to justify the establishment of a one-party state in Zimbabwe:

“The one-party state is more in keeping with the African traditions. It makes for greater unity for the people. It puts all opinions under one umbrella, whether these opinions are radical or reactionary.”

This was the main objective all along – the creation of a one-party state where ZANU-PF would have total power and Mugabe would rule (Norman, 2008: 79). Furthermore, the desire to establish a one-party state is closely related to the conviction that ZANU-PF has earned the right to rule permanently. In fact, Mugabe (quoted in Shaw, 1986: 376) on one occasion stated that “as clear as day follows night... ZANU-PF will rule in Zimbabwe forever. There is no other party besides ours that will rule this country.” This conviction is closely related to the ideology of national liberation in which the ruling party’s credentials as the “moving force behind anti-colonial liberation” (Bratton & Masunungure, 2008: 43) has earned them the right to rule indefinitely. For liberation movements, like ZANU, the capture of state power marks – in their understanding – something similar to Francis Fukuyama’s ‘the end of history’ (1992) and following from this then is the belief that a liberation movement “should stay in power forever after succeeding in its anti-colonial struggle” (Melber, 2010). In accordance with the above-mentioned, Lene Christiansen (2009: 49) makes the following observation:

“In the post-war consolidation of ZANU as the dominant legitimate political force in Zimbabwe, an imagery of the liberation war soldier-heroes came to hold a symbolic meaning, as the political elite claimed that participation in the liberation war was the only valid political currency.”

Thus, due to its credentials as one of the main liberation movement during the struggle, ZANU-PF has claimed the right to rule indefinitely and also used this as a justification for its attempts to establish a one-party state.

The above-mentioned ideological influences (particularly stemming from socialism) and objectives (the creation of a one-party state) – that have been reinforced by the principles of national liberation – only confirm the anti-democratic tendencies of ZANU-PF and the authoritarian political culture that has developed within the movement.

4.2.1.3 Exposure to and Use of Violence:

Armed liberation struggles, as pointed out previously, are characterized by the use of violence by both the states and the movements involved in these conflicts. The case has been no different in Zimbabwe. However, this cycle of violence has not ended with the conclusion of the armed liberation struggle, but has instead continued throughout the post-liberation era with ZANU-PF becoming the main perpetrator.

The armed struggle in Rhodesia, launched in the late 1960s, was met by violent repression from the Ian Smith regime – especially in the rural areas where the conflict was predominantly located. As the struggle intensified in the 1970s, executive *carte blanche* was given to all the spheres of the state, including the military, political and judicial areas (Maxey, 1977: 65). Thus, the agents of these respective agencies were given indemnity against acts that would otherwise be classified as criminal, including murder. The rural population in particular paid a heavy price for the conflict between the Rhodesian government and the nationalists. The Rhodesian state for instance followed a policy of ‘collective punishment’ of the rural population in response to the insurgency (Yap, 2002: 21). This included life imprisonment or the death penalty for those who were engaged or assisting ‘terrorist activities’ or for those who ‘failed to report the presence of terrorists.’

However, the use of violence was not only confined to the Rhodesian state, but was also employed by the nationalists themselves. In fact, it was accepted as a “legitimate tool of the struggle” (Ndlovu-Gatsheni, 2002: 107). Lloyd Sachikonye (2002: 173) makes the following observation in relation to this:

“Analyzes of post-independence political developments should not underestimate the role which violence and other forms of coercion played in colonial regime strategies to block independence, and in nationalist politics themselves. The use of detention, torture and killings was perpetuated by the colonial regime but nationalists also utilised violence and intimidation in mobilising and competing for supporters.”

ZANLA (ZANU's military wing), due to its exposure to Chinese tactics and training and Mao Zedong's ideas, resorted to violent tactics in order to mobilize support from the rural communities (Stiff, 2000: 22). Some of these tactics included the following:

“On entering the villages, they (ZANLA soldiers) selected victims for execution, perhaps a headman, maybe a schoolteacher, often the wives or children of civil servants working in the towns. Their objective was to rid communities of their leadership and destroy the bourgeois (sic). Executions were conducted in an exemplary fashion. Villagers were burnt alive in their grass huts or used for bayonet practice. Those more fortunate were just shot...” (Stiff, 2000: 22).

This was done to rid the communities of their leadership and annihilate the *bourgeois*. In other words, these rural communities and civilians were targeted in an effort to enforce compliance and support. The liberation struggle in all claimed over 30 000 lives while many were displaced, injured and traumatized (Sachikonye, 2002: 173). Therefore, when taking all of the above into account, it becomes clear that violence became embedded into the Zimbabwean political culture and this would have significant and long-term consequences for the post-liberation era.

The violence that was a characteristic of the liberation struggle did not cease with the attainment of independence in 1980 (Kössler, 2010: 35). In fact, just as violence was a prominent feature of the minority regime before 1980, it became the defining feature of the ZANU-PF regime (Sachikonye, 2002: 173). According to Scarnecchia (2006: 236):

“...the current political culture in Zimbabwe has melded the political weapons of previous white-minority governments with the divisive and violent African nationalist politics of the 1960s. As in the 1960s, the progressive and non-violent Zimbabwean voices of all races and ethnicities become the victims of this radical rhetoric of organic solidarity.”

Power in Zimbabwe has been reinforced through coercion while the political elite “takes as articles of faith the assumptions that violence was effective in delivering independence and

that repression is the party's most effective weapon for countering real and imagined threats" (Bratton and Masunungure, 2008: 50). The ruling ZANU-PF is infused with a culture of intimidation, intolerance and violence derived from the liberation struggle (Ndlovu-Gatsheni, 2002: 103). The post-independence period, as a result, has been marked by various instances of state-sponsored violence which have been accompanied by major human rights violations (Bratton & Masunungure, 2008: 50). This has included the Matabeleland massacres of the 1980s – referred to as *Gukuruhundi*³⁶ – where the ZANU-PF regime attempted to crush ZAPU dissidence and opposition, eventually resulting in thousands of deaths as well as the torture, beating, rape and disappearance of countless villagers. The Matabeleland massacre will be discussed in more detail in the next chapter. The 'land grabs' or land expropriations of the early 2000s and Operation Murambatsvina³⁷ in 2005 are further examples of the violent and oppressive nature of the ZANU-PF-regime (Bratton & Masunungure, 2008: 50). In addition to this, every election – including the independence elections – has been marred by systematic acts of violence whenever an opposition party challenged ZANU-PF (Auret, 2009: 90; see Godwin, P. *The Fear*, 2010). From the outset it appeared that Robert Mugabe (and ZANU) embraced a militaristic conception of political authority; he stated the following in 1976: "Our votes must go together with our guns; after all any vote... shall have been a product of the gun. The gun, which provides the votes, should remain its security officer, its guarantor" (Mugabe quoted in Bratton & Masunungure, 2008: 50). Violence, in other words, has simply been seen as another electoral tool in an attempt to retain power, regardless of the costs (Auret, 2009: 91). This violence has also manifested itself into various acts of oppression against opposition by the ZANU-PF-regime.

4.2.1.4 Hostility towards opposition:

ZANU-PF's response towards opposition, whether during the liberation struggle or during the post-1980 era, has throughout been one of intolerance and hostility. The ruling party's intolerance of political opposition was conceived and developed during the liberation

³⁶ *Gukuruhundi* is a Shona word that means "the first rains which wash away the chaff" (Auret, 2009: 75) or the "storm that destroys everything" (Sithole, 1993: 37). It refers to the policy ZANU-PF adopted during the 1980s in order to get rid of the opposition political party, ZAPU.

³⁷ Operation Murambatsvina or 'Operation Drive out the Trash' in May 2005 saw the eviction of millions of people from their homes in squatter camps in urban areas all around Zimbabwe. The government claimed that this formed part of their so-called 'urban renewal' program, but it was rather an act of vengeance against the urban population, the majority of whom supported the opposition MDC (Norman, 2008: 112).

struggle, mainly due to its rivalry with ZAPU (Bratton & Masunungure, 2008: 43). The two main liberation movements were bitter rivals and as a result operated separately from and sometimes against each other. This rivalry was born out of ZANU's split from ZAPU in 1963 and in the immediate aftermath of the split, intense fighting broke out between the youths of both movements, mainly in the townships of Salisbury (Kössler, 2010: 34). Violence between them raged on and, according to Yap (2002: 22), the two movements fought each other with a 'winner-takes-all'-mentality. The acrimonious relationship between the two organizations continued throughout the liberation struggle and even extended into the post-liberation era. It eventually culminated in the brutal Matabeleland massacres of the early 1980s. The violence that the ZANU-PF-regime has employed during its tenure is directly linked to its rivalry with ZAPU and complete disregard for opposing political parties or any dissenting voices for that matter

The armed liberation struggle and African nationalism that drove it, proved to be intolerant of opposition, pluralism and different opinions (Ndlovu-Gatsheni, 2002: 107). The split, rivalry and hostility between ZANU and ZAPU during the liberation struggle, for instance, were the results of the "different interpretations of the struggle and methods for achieving independence" and intolerance "was indicated by the use of rigid and annihilatory (sic) terms such as 'patriots' versus 'puppets', 'freedom fighters' versus 'sell-outs', as well as by officially sanctioned violence against those defined as 'puppets' and 'sell-outs'" (Ndlovu-Gatsheni, 2002: 107). The liberation struggle was, furthermore, an environment of intense distrust and intolerance, marked by violence, leadership assassinations and various instances of deception (Bratton & Masunungure, 2008: 43). It also produced suspicion, fear and a siege mentality that made it difficult (and dangerous) to criticize the leaders of these nationalist liberation movements because those who did so were branded as traitors and enemies of the revolution (Ndlovu-Gatsheni, 2002: 109). This mentality has also become a feature of the discourse and policies the ruling party has adopted since it claimed power in 1980.

The ruling party's initial approach to any political opposition was taken together in the so-called policy of *Gukurahundi* that in Shona means the 'storm that destroys everything' (Sithole, 1993: 37). In 1979 ZANU declared the year to be *Gore re Gukuruhundi* ("The Year of the Storm"), the revolutionary storm that, according to ZANU, would destroy Zimbabwe's

three main enemies: the white settler regime of Ian Smith, the internal settlement ‘puppet’ parties and the capitalist system (Sithole, 1993: 37). *Gukuruhundi* was a policy of annihilation, a policy of destroying any opposition (black and white) that stood in ZANU’s way. This approach to opposition forces was carried over into the post-liberation period and eventually led to the violent suppression of ZAPU and the Matabeleland massacres of the early 1980s. Robert Mugabe and his ruling party also went on to further weaken opposition forces during the 1980s firstly by destroying their main political rival (ZAPU) and secondly by making various crucial constitutional changes that afforded the ruling party and president greater powers. In 1987, ZAPU was banned after talks between the two leaders (Nkomo and Mugabe) broke down and the party’s offices were raided and its officials were jailed (Blair, 2002: 34). These events, coupled with the Matabeleland massacres, eventually led to the signing of the Unity Accord in December 1987, the dissolution of ZAPU and the merging of the two rival parties; in essence, ZAPU was effectively ‘swallowed’ by the ruling party (Sithole, 1993: 37; Blair, 2002: 34). Furthermore, in the same year, Mugabe went on to unilaterally make a series of drastic constitutional reforms that changed the way Zimbabwe would be governed, afford him greater power and essentially destroy parliamentary opposition (Blair, 2002: 36). By the beginning of the 1990s, Zimbabwe was effectively a *de facto* one-party state. According to David Blair (2002: 36) “Mugabe did not go as far as to proscribe opposition parties and the one-party state was never enshrined in law. He did not need to. Instead, he just heaped unbearable pressure on his opponents and waited for them to surrender.” The ruling party continued throughout the 1990s to sabotage any opposition groups through violent suppression and the use of increasingly authoritarian legislation.

Most recently, after the emergence of the Movement for Democratic Change (MDC) and the government’s defeat in the 2000 constitutional referendum, ZANU-PF adopted a policy of official anti-colonialism that has been hailed as the *Third Chimurenga* (Christiansen, 2009: 49). The 2000 referendum can be described as a watershed moment for Zimbabwe and ZANU-PF. During the referendum, voters had to vote ‘yes’ or ‘no’ regarding the Mugabe regime’s draft constitution and 54.7% voted ‘no’ (Norman, 2008: 83). The result of the referendum stunned Mugabe and the ruling ZANU-PF who expected nothing less than a victory (Matshazi, 2007: 123). However, the referendum was ignored by the Mugabe regime

and the constitution was amended in his favor (Norman, 2008: 84). In the period following the referendum, ZANU-PF went on to launch the *Third Chimurenga* against its opposition.

The *Third Chimurenga* discourse has been described by Robert Muponde (in Christiansen, 2009: 49) as rigid and simplified in its dualism between the “binaries of insider/outsider, indigene/stranger, landed/landless, authentic/inauthentic, patriotic/sell-out.” In the post-liberation period, the discourse of binary opposites has served to exclude political rivals of the ruling party – specifically opposition political parties (most recently the MDC) and other forms of opposition, including: civil society organizations, the independent media, human rights activists, non-indigenous blacks, the urban poor and whites (Christiansen, 2009: 49). Importantly, those who have been excluded by this *Chimurenga ideology* and discourse are being treated as threats to and enemies of the nation, while the government (or rather the ruling party) protects the nation from this perceived threat. For example, soon after independence in 1980, supporters of Joshua Nkomo and ZAPU were branded and portrayed as ‘dissidents’ in the official media while presidential aspirants, Edgar Tekere (in 1990) and Morgan Tsvangirai (in 2002), were harassed by the ruling party through assassination plots, treason trials or both (Bratton & Masunungure, 2008: 44). The ruling party, throughout its tenure, has also used the state apparatus in response to opposition – in the form of competing political parties or dissenting civil society groups (Knight, 1991: 29). In most recent years, the main opposition party, the MDC, has been relentlessly persecuted with its supporters and officials being subjected to violent suppression (Norman, 2008: 84). In fact according to Andrew Norman (2008: 86), in “an ideal world, Mugabe would like to see no opposition whatsoever, with everyone in the country voting for ZANU-PF.” Therefore, because ZANU-PF claims to embody and represent the whole nation, anyone or anything that opposes the ruling party is seen as opposing the nation and therefore becomes the enemy (Southall, 2003: 40).

It is clear from looking at the above-mentioned factors, that the political culture that has been fostered in ZANU-PF is inherently undemocratic and largely authoritarian. Furthermore, this political culture that was produced during the liberation struggle has manifested itself in the ruling party’s behavior since coming to power in 1980. It can be said, in conclusion, that repression and the violent nature of the liberation war ruled out:

“...open, democratic practice and tolerance and alternative views. It fostered what could be termed a ‘culture of authoritarianism’ that was certainly compatible with state socialist ideology of nationalist leaders at the time, as well as a ‘traditionalist’ discourse which stressed strong leadership and unquestioning loyalty,” (Alexander, McGregor & Ranger [2000] quoted in Sachikonye, 2002: 174).

4.2.2 The ANC: From Freedom Fighters to the Ruling Elite:

The ANC has gone from being one of the main liberation movement in the struggle against Apartheid to becoming South Africa’s dominant ruling party, increasingly entrenching itself in the highest echelons of state power. However, the political dominance that the ANC has enjoyed since coming to power in 1994 seems to have instilled a culture of entitlement and a sense of being irreplaceable as South Africa’s governing party. This perception and culture is rooted in the ANC’s history as a liberation movement and its experiences during a protracted armed struggle.

The intensity of the struggle against Apartheid, the brutal methods of repression the Apartheid regime employed and the violence that accompanied this struggle, formed internal dynamics and culture of the ANC.

4.2.2.1 Organizational structure & hierarchy:

The ANC, established in 1912, has throughout its history represented a broad church of interests, ideologies and members ranging from “socially conservative and radical nationalists, democratic socialists, liberal constitutionalists and Marxists of various persuasions” (Lodge in Deegan, 2001: 28). In accordance to the above, both Suttner (2003) and de Jager (2009) point to the diverse character of the ANC, identifying the different factions that have developed within the organization throughout the liberation struggle.

The 1950s saw the advent of the liberation struggle with the ANC transforming from “the petition-orientated elitism of the previous three and one half decades into a mass political movement” (Alden, 1993: 63) who headed campaigns that enhanced democracy, non-racialism and to a lesser extent, non-sexism (Suttner, 2003: 181). But with the banning of the ANC in 1960, the launch of the armed struggle in 1961 and the Rivonia trial in 1964, the

make-up of the movement changed significantly. According to de Jager (2009: 278), as a result of the Rivonia trial three distinct factions were produced that influenced the make-up of the organization, this included: leaders imprisoned on Robben Island, those in exile and the internal mass movement (represented by the UDF and COSATU).

Each of these factions differed from each other in terms of culture and organization. The Robben Islanders, for instance, were hierarchically organized and disciplined, but was still relatively democratic (de Jager, 2009: 278). Colloquially referred to as the ‘University’ and with an emphasis on theoretical and political learning, it was open to debate. But due to their prolonged incarceration, it can be concluded that the imprisoned leaders were out of touch with what was happening on the grassroots level. The internal faction – namely the UDF and its associates – mobilized a broad base of support against Apartheid and was open, inclusive and non-racial while its operations were relatively chaotic (de Jager, 2009: 278). Those in exile, in contrast, had a vastly different experience which in turn produced a particular – and lasting – culture within their ranks.

For approximately three decades, from 1960 to 1990, the ANC operated in exile, conducting the liberation struggle from outside South Africa’s borders (Ellis, 1991: 439). After the Rivonia trial in 1964, the ANC practically ceased to exist in South Africa because its key leaders were either imprisoned on Robben Island or forced into exile (de Jager, 2009: 278). The ANC leadership and most of the rank and file members were based abroad during this time while the movement was in danger of becoming extinct and forgotten in South Africa. According to Suttner (2003: 181) with the commencement of the armed struggle in 1961, security and military considerations came to dominate organizational practice. Thus the democratic culture that had been developing within the ANC in the 1950s, gave way to hierarchical organization, security and secrecy:

“Underground work is a form of political activism requiring certain tools necessary to safeguard secrecy as well as calling for a personal commitment that will sustain people through adverse conditions. Most people who entered underground units knew they faced great dangers” (Suttner, 2009: 84).

It has to be kept in mind that those who were either in frontline camps or in Europe were constantly targeted by security forces (de Jager, 2009: 278). It is due to this that the organization within the exile faction became hierarchical with decision making being centralized and information being protected (de Jager, 2009: 278). Tom Lodge (in Deegan, 2001: 77) states that ANC exiles “returned home with a well-developed set of authoritarian and bureaucratic reflexes”; this was very different from what was going on in South Africa. This exile faction and its hierarchical and militaristic political culture would have a profound impact on organization and functioning of the ANC as a political party in the post-1994 era (Butler, 2007: 313).

The ANC, at the time of its unbanning, was as “an exiled insurgent body” that possessed a “disciplined and autocratic character” with no leadership elections held between 1959 and 1985 (Deegan, 2001: 77). After 1990, the ANC had to contend with the different factions that developed throughout the course of liberation struggle and attempted to forge them together. Butler (2007: 227) states that the ANC had three centers of power, competing for influence and dominance of the organization: the exiles in Lusaka under the leadership of Oliver Tambo; the Robben Islanders, including the likes of Nelson Mandela, Walter Sisulu and Govan Mbeki; and the underground ANC together with the ‘internal leadership’ which loosely referred to the leaders who were affiliated with the UDF. This factionalism had an impact on the character of the ANC during the negotiations, the transition to democracy and ultimately the post-liberation era.

After 1994, the ANC transitioned from being a party in exile to a mass movement with a large membership that combines the “hierarchy and democratic centralism of an exile movement with the mass organizational politics that once characterized domestic anti-Apartheid struggle” (Butler, 2007: 38). Power within the ANC resides in the National Executive Committee (NEC) and the election of the NEC every five years is the most important election to take place at the national conference (Calland, 2006: 118). Furthermore, it is the ANC’s main constitutional structure and is therefore very important; within it the “full broad church of the ANC and its divergent ideological traditions... are all represented” (Calland, 2006: 122). Even though the NEC is the most important structure within the ruling party, its influence is constrained due to its size and political character and also because it

only meets four or five times a year. The National Working Committee (NWC), the main subcommittee of the NEC, is another important structure within the ANC and is crucial to understanding how power is distributed within the party (Calland, 2006: 123). The NWC is responsible for carrying out the instructions and decisions of the NEC; ensuring that all ANC structures (provinces, regions, branches and parliamentary caucus) carry out the decisions of the ANC; and, lastly, to submit reports to each of the NEC's meetings (African National Congress, 2011). It is constituted as follows: the President (Jacob Zuma), Deputy President (Kgalema Motlanthe), National Chairperson (Baleka Mbete), Secretary General (Gwede Mantashe), Deputy Secretary General (Thandi Modise) and the Treasurer (Mathews Phosa). The NWC is made up out of members of the NEC and outside members that are selected by the NEC; the ANC Veterans' League, Women's League and the Youth League all appoint one representative to serve on the NWC (ANC, 2011).

Due to the divergent groups and interests mentioned above, it has been necessary for the movement, according to Butler (2007: 38), to combine central discipline and wider deliberation in order to retain political unity. During the 1990s, several attempts were made – especially under Thabo Mbeki's leadership – to transform the ANC from an extra-parliamentary liberation movement to an effective ruling party (Gumede, 2008: 35). This transformation process under Mbeki led to adoption of new values, goals and strategies that have had serious implications for the relationship between the ANC and its alliance partners, the way in which the party operates and the way in which power is distributed in the organization. One of the key results of this reformation process was the increasing centralization of power in the hands of the party leadership – especially during Mbeki's reign. Peter Kagwanja (2008: xv) states the following in accordance with this:

“Mbeki's second term (2004-2008) saw an accelerated move to tighten the administrative nuts and bolts and to realign the party with the governmental structures. In June 2005 the ANC's National General Council (NGC) produced a document titled Organizational Design of the ANC: A Case for Internal Renewal. The blueprint sought to restructure the ANC into a more streamlined and technocratic organization with its structures at regional and branch levels aligned to those of the government, thus the party grassroots under the firm control of the party

headquarters and the government... The Mbeki administration tightened the noose on the ANC to rein in 'unruly' regions and branches and to limit the scope for what it saw as creeping patronage and factionalism..."

It is important to state here that this centralizing political culture or 'logic' has its roots in the exile structures of the ANC and this exile culture "tended to emphasize centralization of power, teamwork, secrecy and discipline, but also intellectualism" (Kagwanja, 2008: xx). Mbeki belonged to this faction and thus, when he came to power, the experiences of exile politics had a profound impact on his leadership style (Pottinger, 2008: 25). Furthermore, during his tenure, Mbeki "actively undermined opponents, even where they have been giving voice to widely felt aspirations" (Butler, 2000: 201) and was accused of having an authoritarian leadership style (Kagwanja, 2008: xxi). The politics of exile and the consequent centralization of power, according to critics and commentators, have been responsible for the declining internal democracy of the party (Kagwanja, 2008: xxi; Butler, 2005: 730). For instance, the elections for the National Executive Committee (NEC) – the body that runs the ANC in between conferences – and senior party officials have been tightly managed (Butler, 2005: 732). Furthermore, internal debate (especially under Mbeki's reign) has been circumscribed and intolerant of leadership criticism while a small group of leaders usually dominate the party. In fact, this centralizing tendency – that came to the forefront forcefully after 2004 – led to the immediate alienation of the ANC's alliance partners and so-called 'inxiles' or those who did not form part of the exile faction during the struggle (Kagwanja, 2008: xxii). This alienation eventually led to a split in the party between the Mbeki- and Zuma-factions or what Brian Pottinger (2008: 16) refers to as ANC 'Lite' and ANC 'Classic'.

As it was during the liberation struggle, the ANC remains an organization that accommodates various groups with divergent interests and ideological positions. It still operates within a system of alliances, the most important one being the tripartite alliance between the ruling party, the South African Communist Party (SACP) and the Congress of South African Trade Unions (COSATU) (Butler, 2007: 38). However, contradicting interests and profound disagreements on important principals eventually led to a split in the tripartite alliance, culminating in the watershed succession race in December 2007 during the ANC's 52nd National Conference. Brian Pottinger (2008: 16) describes this rupture within the ANC

as a split between ANC ‘Lite’ and ANC ‘Classic’. ANC ‘Lite’ refers to the smaller, elite group that was created by Mbeki’s system of aggressive affirmative action and patronage – a group who has very little in common with the poor. ANC ‘Classic’, on the other hand, refers to the faction who represents the heart of the movement – the poor and the disadvantaged. It is a broad front that includes “the privileged labour elite... the civic organizations, youth movement, traditionalists, some elements of the old internal resistance, foot soldiers of the United Democratic Front... certain business personalities, academics, communists, eternal fishers in troubled waters” who were united by their goal to deny Mbeki power (Pottinger, 2008: 16). The succession struggle, therefore, was the result of drawn-out ideological battles within the ANC alliance that can be traced back to the organization’s turn to neo-liberalism during the Mandela presidency (1994-1999) (Kagwanja, 2008: xxii). According to Somadoda Fikeni (2008: 4), “the increased protests against service delivery... sharp differences between the ANC leadership and its alliance partners over perceived alienation from government decision-making, as well as contestation over ANC policy direction signified the growing divisions.” Therefore, when Thabo Mbeki dismissed Jacob Zuma from his position as deputy president of South Africa in 2005, it led to open rebellion and direct challenge against the ANC leadership, thereby setting up the stage for leadership change in Polokwane.

The Polokwane Conference has been described as the most significant political event since 1994 for South Africa as a whole and for the ruling party in particular (Fikeni, 2008: 3). Furthermore, Polokwane has been described as the greatest test that South Africa’s democracy and the ANC have ever encountered. The Polokwane Conference, however, on reflection was more about the change of guard and a shift in leadership style rather than fundamental changes in central ANC policies (Fikeni, 2008: 31). Therefore, despite claims of the emergence of a ‘new’ ANC, the lack of changes in key ANC policies will certainly lead to greater intra-party discord and more internal ruptures within the already brittle alliance. Fikeni (2008: 31) states the following with regards to this:

“Although the ANC remains the most dominant party on the South African political landscape, the post-Polokwane era does not necessarily translate into ANC unity and consolidation, as the party is still saddled with factionalism, divisions and deep fractures.”

These internal fractures have been prevalent in the aftermath of the 2009 elections with frequent public squabbles, vociferous disagreements and even personal attacks between the members of the tripartite alliance. Furthermore, the fragility of the ruling party's unity is especially evident with the alleged plots that surfaced recently to replace Jacob Zuma as the ANC's leader at the party's next national conference in 2012 (Letsoalo & Mataboge, 2011: 2). This is reminiscent of the period before the 2007 Polokwane Conference, clearly indicating that the ANC as an organization (along with the tripartite alliance) – as Fikeni pointed out – is still grappling with great internal divisions and deep-seated fractures.

4.2.2.2 Ideological inputs:

The ideological influences that have formed the ANC's strategy and guided its actions seem to be broad and varied; ranging from Marxist-Leninism to liberalism, from socialism to nationalism. Furthermore, the broad base of ideological influences, seem to reflect the variety of interests the ANC represented. Mandela (in Ottaway, 1991: 68), in accordance with this, states the following:

“Right from the start, up to now, the ANC is a coalition, if you want, of people of various political affiliations. Some will support free enterprise, others socialism. Some are conservative, others are liberal. We are united solely by our determination to oppose racial suppression. That is the only thing that unites us.”

According to de Jager (2009: 275), there have been three key ideological influences that have contributed to the make-up and complexity of the ANC. The first one came from Christian liberal democrats – including the founders of the ANC as well as Albert Luthuli and Oliver Tambo – who mainly included the emergent black petty bourgeoisie (de Jager, 2009: 276; McKinley, 1997: 6). According to McKinley (1997: 6), the new leaders “did not bring with them only their particular class politics but also the strong influence of a Christian education and its corresponding social mores. Thus a perspective emerged that incorporated a politics of non-violence and of incorporation.” Rather, the leadership was committed to “a form of opposition which stressed responsible citizenship and disdained popular agitation” and bound to constitutionalism (Dubow, 2000: 7). The early ANC, furthermore, called for the inclusion of all South Africans, emphasizing the Christian and liberal notions of humanity and

justice. Therefore, the first tradition can be described as liberal democracy based on Christian principles.

A crucial ideological influence that follows the liberal notions of the early ANC and that still guides the ANC today has been the Freedom Charter³⁸ of 1955. It was the statement of core principles of the multi-racial, multi-organizational Congress Alliance³⁹ (ANC, 2011). The Charter was the ANC's main ideological influence with its principles and objectives underpinning the ANC's political ideas (Suttner, 2009: 155). According to Ellis and Sechaba (1992: 28), the Freedom Charter represented most of the distinct strands in the ANC and that it was not a policy document, but rather a declaration of principle. The result of this ambiguity meant that the strategic approach of the ANC Alliance was both a nationalist anti-Apartheid umbrella for all social forces as well as a revolutionary struggle for radical socio-economic transformation (McKinley, 1997: 22). Despite the denouncement of the document by the Apartheid government and the banning of the ANC in the early 1960s, the Freedom Charter continued to play an important role; throughout the struggle, it was circulated in the underground structures of the movement (ANC, 2011). Furthermore, South Africa's new democratic constitution has included "in its text many of the demands called for by the Freedom Charter" (ANC, 2011).

From the 1920s onward, the ANC was influenced by two other traditions, namely: pan-Africanism (sic) – 'Africa for Africans' – and communism. At first, these two groups placed themselves at the polar ends of the scale with the Africanists (sic) emphasizing African self-sufficiency and superiority of the racial struggle (Dubow, 2000: 15). The communists on the other hand, emphasized non-racialism and class unity. Despite the differences, these two traditions would unite at vital periods throughout the liberation struggle to produce a

³⁸ The Freedom Charter set out a list of demands that included the following: the people shall govern; all national groups shall have equal rights; the people shall share in the country's wealth; the land shall be shared among those who work it; all shall be equal before the law; all shall enjoy equal human rights; there shall be work and security; the doors of learning and culture shall be opened; there shall be houses, security and comfort; there shall be peace and friendship (Freedom Charter in McKinley, 1997: 20).

³⁹ The Congress Alliance was formed by the ANC, the Congress of Democrats, the South African Coloured Organization and the South African Indian Congress; the Alliance also included the newly formed South African Congress of Trade Unions (SACTU) and the (mainly white) Federation of South African Women (FSAW) (McKinley, 1997: 19).

“composite form of indigenous radicalism embodied in the vague but often compelling idea of African socialism” (Dubow, 2000: 15). In the 1940s, the ideals of pan-Africanism became a prominent ideological influence on the ANC. The ANCYL played an important role in transforming the ANC into a vigorous, modern mass movement (Dubow, 2000: 27). It differed significantly from previous ANC discourse and polite requests gave way to demands with the ANCYL emphasizing more direct forms of mass struggle (Dubow, 2000: 23; McKinley, 1997: 15). The ANC at this time was dominated by the ANCYL who espoused philosophies that were more militant, radical and racially exclusive than those of the previous generations (de Jager, 2009: 277). However, the most significant influence on the ANC probably came from the communists.

In 1921 the Communist Party of South Africa (CPSA) was formed and in 1928 a relationship between them and the ANC was cemented (Jeffery, 2009: 2; Dubow, 2000: 13). According to Jeffery (2009: 2), the CPSA was instructed by its affiliates in the Soviet Union to pay specific attention to the ANC and “transform it into ‘a fighting nationalist revolutionary organization’.” By the 1960s, the SACP – the banned successor of the CPSA – became a major influence on the ideology that the ANC espoused (de Jager, 2009: 277). It was, as said earlier, largely responsible for the ANC’s shift from non-violence to the adoption of an armed struggle (Jeffery, 2009: 4). The SACP, in addition to the above-mentioned, provided the ANC with “organizational discipline, revolutionary theory and ideological conviction” (Dubow, 2000: 77). It also provided the ANC with “authoritarian ‘democratic-centralist’ practices and attitudes” (Dubow, 2000: 77). Furthermore, the ANC-SACP alliance was based on the so-called two-stage theory of revolution: first democracy, then socialism (de Jager, 2009: 278). This theory is embodied in the National Democratic Revolution, the project the ANC has adopted to transform the state and society as a whole (de Jager, 2009: 279).

The National Democratic Revolution (NDR) was developed in the 1960s by communist intellectuals in an attempt to try and conceptualize the relationship between the overarching aim of international socialism and the immediate task of national liberation (Butler, 2007: 39). It was adopted during the 1969 Morogoro Conference and is seen as the heart of the ANC’s *Strategy and Tactics* document (Butler, 2005: 725). The NDR’s central objective is “the creation of a united, non-racial, non-sexist and democratic society” (African National

Congress, 1997); in other words the transformation of the state and the South African society as a whole. This transformation entails the rapid achievement of ‘demographic representivity’ (sic) in all the important institutions of the economy, society and state (Southall, 2008). Therefore, transformation is conceptualized in terms of race – all institutions within society, private or public, has to reflect the racial composition of the South African society as a whole (de Jager, 2009: 282). The ANC’s role in this project of transformation is crucial.

The ANC places itself at the helm of this project to transform South African society; in fact, it perceives itself to be leader of South African society and the embodiment of the national will (de Jager, 2009: 279). During its 50th National Congress in 1997, the following was stated:

“The ANC is a vanguard for all the motive forces of the NDR, the leader of the broad movement for transformation. Its leadership has not been decreed, but earned in the crucible struggle and battles for social transformation,” (ANC, 1997).

Raymond Suttner, according to Melber (2009: 453), argues that the ANC’s ideology and rhetoric does not make a distinction between the liberation movement and the people; in other words, the liberation movement is ‘the people’. This corresponds with the fact that liberation movements in general have seen themselves as the embodiment of the nation itself (Gumede, 2007: 13). Furthermore, liberation movements’ claim to legitimate rule comes from their emergence from the liberation process as the representatives acting on behalf of ‘the people’ (Melber, 2009: 453). This is clearly reflected in the ANC’s perception of itself:

“...the ANC considers itself to be a movement, the leader in the attainment of social transformation and the only leader of the people. Its claims of position and power fit within Leninist vanguardism. This is where the party provides ideological leadership for the masses, aimed at the attainment of their revolutionary destiny,” (de Jager, 2006: 78).

Therefore, the transformation of the state requires that the ANC seize and extend its power over all levers of power, including the army, the police, the bureaucracy, intelligence

structures, the judiciary, the media, parastatals and agencies such as regulatory bodies and the central bank (Southall, 2008). In other words the NDR and this project of transforming the state and society, urges the ruling party to *control* the state. Furthermore, it also includes the penetration of the economy, civil society and society as a whole as well (de Jager, 2009: 284). One of the ways the ANC plans to achieve this is through their so-called Cadre Development and Deployment Strategy (de Jager, 2009: 282). This refers to the appointment or assignment of those loyal to the ruling party to areas of key influence, including: business, non-governmental organizations, parliament, scientific bodies, sporting associations, state institutions (that are supposed to be independent), *et cetera* (Pottinger, 2008: 37). In the ANC's 2007 Strategy and Tactics Document, the party reiterated this intention:

"In order for it to exercise its vanguard role, the ANC puts a high premium on the involvement of its cadres in all centres of power. This includes the presence of ANC members and supporters in state institutions. It includes activism in the mass terrain of which structures of civil society are part. It includes the involvement of cadres in the intellectual and ideological terrain to help shape the value systems of society. This requires a cadre policy that encourages creativity in thought and in practice and eschews rigid dogma. In this regard, the ANC has a responsibility to promote progressive traditions within the intellectual community, including institutions such as universities and the media. Playing a vanguard role also means the presence of members and supporters of the ANC in business, the better to reshape production relations in line with the outlook of a national democratic society," (African National Congress, 2007).

This process, however, is fundamentally undemocratic because the ANC is determined to control all levers of power – even if it entails the encroachment of the Constitution (de Jager, 2009: 283). In 2008, then state president Mbeki made the following statement to an ANC *Lekgotla* (a meeting):

"Everybody in this room is ANC and all deployed in government by us are ANC. The mandate is not government's mandate, but that of the ANC. We have a common

responsibility to ensure that the ANC continues to enjoy the support and respect that it has enjoyed in the past,” (Mbeki quoted in de Jager, 2009: 283).

In other words, when Mbeki spoke of the state, he referred to the ANC and when he spoke of the government, he meant the ANC (Pottinger, 2008: 38). Thus the accountability and loyalty of (key) state institutions is firstly to the ruling party while the ANC has quite unashamedly committed itself to extending its power over these institutions that are responsible for holding the government accountable (de Jager, 2009: 283; Schlemmer, 2005: 9). The ANC, as a result of this ideological influence, has therefore set its sights on establishing control over the state in particular and also penetrating both political and civil society through this overarching transformation project (de Jager, 2009: 283). Other important influences on the political culture of the ANC have been the violent nature of the Apartheid regime, the movement's exposure to violence and its own use of violent means during the liberation struggle.

4.2.2.3 Exposure to and use of violence

The Apartheid regime was a system characterized by subjugation, immense state repression and perpetual violence. Furthermore, the resistance to it – in the form of an armed liberation struggle – was also violent in nature, especially during its height in the late 1970s and throughout the 1980s. Thus, this violence not only permeated throughout South African society, but also penetrated the methods, strategies and values of the African National Congress.

From the start, the Apartheid government's response to resistance was violent and the history of the struggle against Apartheid shows shifts in the forms and patterns of gross human rights violations that were perpetrated (Truth and Reconciliation Commission of South Africa Report Volume Two, 1998: 8). However, it was in the aftermath of the events of 1960 (Sharpeville) and the adoption of an armed struggle by the ANC that the state's response to resistance intensified significantly; it went on to employ the full force of its security legislation which included the detention, abuse and torture of political activists. According to the Truth and Reconciliation Commission (1998: 165), the Apartheid government's security forces used both overt and clandestine methods to suppress resistance and thwart the armed actions of the state's opponents. The overt methods included the banishment of political

activists, detention without trial, public order policing and judicial executions. The covert or clandestine methods that were employed included extra-judicial killings, support for proxy forces and also torture (TRC Volume Two, 1998: 165).

Furthermore, the period between 1960 and 1994 saw the extensive and systematic use of detention without trial (TRC Volume Two, 1998: 187). During the incarceration period, it has been reported that torture was systematically used by the Security Branch not just as a means to gather or obtain information, but also to terrorize activists and detainees. In addition to extended periods of detention and the use of torture, the security forces were convinced as the struggle intensified that it no longer could rely on “the due process of the law and that it was preferable to kill people extra-judicially” (TRC Volume Two, 1998: 220). These extra-judicial killings usually targeted high-profile activists “whose detention in terms of security legislation would give momentum to the liberation struggle” (TRC Volume Two, 1998: 220). The state also conducted targeted killings in order to permanently remove those who were perceived to be a threat from society; the targets of these attacks were once again high-profile political figures (TRC Volume Two, 1998: 222). The Truth Commission ultimately found that the Apartheid state and its security forces committed the principal amount of human rights violations, especially from the late 1970s onwards (Truth and Reconciliation Commission of South Africa Report Volume Five, 1998: 212). The South African state, however, was not the only party that used violence against its opponents.

The ANC officially launched an armed liberation struggle against the Apartheid regime in November 1961 with the formation of Umkhonto we Sizwe (‘Spear of the Nation’ or MK) (Jeffery, 2009: xxxi). The ANC’s decision to do so was based on the argument that they had no other choice but to wage war against the Apartheid state: “...it is the oppressor who defines the nature of the struggle; in the end, we would have no alternative but to resort to an armed struggle” (Mandela, 1994: 226). This struggle was seen to be legitimate and just by the ANC and its supporters (ANC, 1996: 12). In fact, the ANC (1996: 6) made the following statement with regards to this: “...it would be morally wrong and legally incorrect to equate Apartheid with the resistance against it. While the latter was rooted in principles of human dignity and human rights, the former was an affront to humanity itself.” In addition to this, the armed struggle was also declared legitimate by the TRC, but the Commission found that the

ANC and its organs did commit gross violations of human rights throughout its struggle against the Apartheid state (TRC Volume Five, 1998: 239). In other words, the ANC was justified due the reasons for an armed struggle, but they were deemed ‘unjust in war’ or because of their conduct during the struggle.

By the mid-1970s, the ANC was virtually forgotten inside South Africa while Umkhonto’s armed struggle was failing, but the Soweto revolt on 16th June 1976 revitalized the liberation movement and pushed thousands of youths into MK’s ranks in exile (Jeffery, 2009: xxxiii). The ANC, buoyed by the developments of 1976, went on to launch a ‘people’s war’ based on the strategies it adopted from Vietnam in 1978. A “people’s war” entailed both political and military struggle and in fact entailed a ‘program of violence’. With this, the ANC did not seek to defeat the South African security forces, but rather to “generate a level of unrest, social turmoil, and economic malaise that in time would put enormous pressure on its adversaries to sue for peace” (Jeffery, 2009: xxxiv). The adoption of a people’s war and the state’s response to it, led to an unprecedented period of violence; especially from 1984 onwards when intimidation and political killings rapidly accelerated. The goal was to make South Africa ‘ungovernable’ (Jeffery, 2009: 67). The ANC, in an effort to garner the allegiance of the township inhabitants, used a considerable amount of armed violence which the UDF at the time condoned (Eidelberg, 1999: 58). According to Deegan (2001: 60) vigilante groups operated freely during this period, adopting a practice known as ‘necklacing’ where people were burned alive by placing tires filled with gasoline around their necks. The victims of these attacks included alleged police informers (referred to as *impimpis*), political opponents, local councilors and anyone who stood in the way of militants (Welsh, 2009: 288). Winnie Mandela (quoted in Welsh, 2009: 288) made the following (controversial) statement with regards to this practice in 1986:

“We have no guns – we have only stones, boxes of matches and petrol. Together, hand in hand, with our boxes of matches and our necklaces we shall liberate this country.”

The ANC, however, claim that these violent methods were never the policy of the liberation movement or the UDF/MDM (African National Congress, 1996: 12). The ANC claims that it

was impossible for either the ANC or the UDF to exercise control over the manner in which people chose to fight against Apartheid – in other words, it denied responsibility for these violent practices (ANC, 1996: 77). The TRC, though, still found the ANC both morally and politically responsible for the gross human rights violations of their supporters during the turbulent 1980s (TRC Volume Five, 1998: 241). The Commission held the liberation movement accountable for creating an environment in which their supporters believed that their violent actions to be legitimate and in accordance with the so-called ‘people’s war’. Furthermore, the Commission found the ANC responsible for various gross human rights violations after its unbanning in the period between 1990 and 1994 (TRC Volume Five, 1998: 242). This included the attacks, assaults and killings of various political opponents and also the creation and arming of self-defense units (SDUs) that contributed to the spiral of violence in South Africa during this era. In the period after the ANC’s unbanning, political violence was at its most intense and approximately 15 000 people died as a result of this violence (Jeffery, 2009: xxxiv). Furthermore, it has been found that in the period between 1984 (when the people’s war was launched) and 1994 (when the first democratic elections were held), 20 500 were killed in the political violence that swept South Africa (Jeffery, 2009: xxxv). The ‘people’s war’ and the methods employed during it were characterized by unprecedented levels of violence; violence that the ANC, according to Jeffery (2009: 500) played a large role in fomenting.

Violence, however, was not just reserved as a tool against the Apartheid regime, but it was also utilized by the ANC to ensure order amongst its own ranks – especially amongst members of its military wing. There have been at least four commissions (including the TRC) that found evidence of gross human rights violations (including torture, executions and other inhumane treatment) perpetrated by the ANC in exile (Welsh, 2009: 272). These human rights violations were mainly committed against suspected spies and those who revolted against their MK-leadership, particularly in 1984 in the Angolan camps (Welsh, 2009: 273; Bopela & Luthuli, 2005: 175). It was in the context of the so-called ‘spy scare’ of 1981 in the ANC – that led to the creation of an atmosphere of paranoia about infiltration by spies – that many members of the ANC were detained and tortured (TRC Volume Two, 1998: 349). It was especially the ANC’s security apparatus, Mbokodo (‘crushing boulder’), in the camps as well as the MK commissars (mostly from the SACP) who developed a reputation of being

particularly brutal. Mbokodo, primarily tasked with finding and ridding the camps of spies, became notorious for their violent behavior and methods – it possessed virtually unlimited power in the camps (Bopela & Luthuli, 2005: 174). In fact, it has been described as “an ‘army within an army’ with unlimited powers and immune from punishment” (Bopela & Luthuli, 1999: 176). Bopela and Luthuli (1999: 177) make the following statement with regards to the abuses and brutality of the ANC in exile:

“Who gave orders for people to be tortured, maimed or killed? Where did they get this awesome authority from? People fled South Africa to fight for freedom from oppression, yet ended up being oppressed by their own. To this day, the ANC – and that includes all of us who belong to this great organization – still have blood of innocents on our hands.”

The repression of the Apartheid state coupled with the intense resistance to it, led to the acceptance and use of violent means by the ANC during the struggle. Furthermore, it seems that the violence that engulfed the South African society (especially during the late 1970s and throughout the 1980s) also seeped into the values, methods and strategies of the liberation movement. The experiences during the liberation struggle also contributed to an intolerance of opposition – whether in the form of the Apartheid government, rival political movements or internal dissidents. This intolerance of opposition has also been prevalent in the ANC’s rhetoric in the post-Apartheid era, once again revealing the impact of the ruling party’s experiences as a liberation movement.

4.2.2.4 Hostility towards opposition

Liberation movements, as said earlier in this chapter, perceive and claim themselves to be the only legitimate and authentic representation of ‘the people’ or the nation as a whole (Suttner, 2004: 6). As a result of this, pluralism and any form of opposition are not viewed favorably by liberation movements. The ANC is not excluded from this tendency.

The political violence that engulfed South Africa in the late 1980s and the early 1990s is a testament to the political intolerance that existed during that time – especially between the ANC and rival political movements like the Inkatha Freedom Party (IFP). Violent conflict

broke out between the IFP and the UDF (the close internal associate of the ANC) in Natal in the 1980s and these violent confrontations escalated over the next decade (TRC Volume Two, 1998: 340). The ANC at the time encouraged its followers and supporters to view the IFP as ‘the enemy’ and also declared that Inkatha members were legitimate targets (TRC Volume Two, 1998: 341). Furthermore, the ANC has been deemed responsible for various attacks, assaults and killings of political opponents between 1990 and 1994, including members of the IFP, PAC, AZAPO and the SAP (TRC Volume Five, 1998: 243). The relations between the ANC and the IFP revealed an important trait of the ANC as a liberation movement – its intolerance of competition and its determination to “crush all political rivals” (Ottaway, 1991: 77)

This intolerance of rival political parties and other forms of opposition has also reared its head in the ANC’s rhetoric and attitude in the post-1994 era. Due to the ANC’s electoral dominance the ruling party – as said before – has come to view itself as synonymous with ‘the people’ and also that democracy is indistinguishable from ANC rule (Brooks, 2004: 9). This has had a profound effect on the way the ruling party perceives its political opposition and also the nature of relationship between them. In general the ANC has labeled rival political parties – such as the Democratic Alliance (DA) – as “forces opposed to transformation” while the ANC, as pointed out earlier, views itself to be the leader of this transformation process (de Jager, 2006: 77). The ruling party steadfastly believes that the struggle is far from over and on multiple occasions has tried to “bully its opponents from the high moral ground of its claimed mandate on behalf of the ‘masses’ and the ‘people’” (Schlemmer, 2005: 9). Thus, opposition parties are viewed as the ‘enemies’ of this transformation project and then consequently also the ‘enemies’ of the will of the ‘people’ which the ruling party represents (Brooks, 2004: 15). This attitude has also been clearly displayed in the ANC’s 2011 local elections campaign where President Jacob Zuma has stated for instance that a vote for opposition parties is a vote for ‘hell’ while voting for the ANC is a vote for ‘heaven’ (Zuma: a vote for opposition is a vote for ‘hell’, 2011). In 2008 during a rally in Khayelitsha, Zuma (quoted in Mkhwanazi, 2008) made the following statement while addressing supporters:

"We shall build this organization. Even God expects us to rule this country because we are the only organization which was blessed by pastors when it was formed. It is even blessed in Heaven. That is why we will rule until Jesus comes back..."

Julius Malema, the leader of the ANC Youth League, has launched various personal attacks on the Democratic Alliance's leader, Helen Zille, referring to the opposition leader as a 'racist little girl' and a 'cockroach' (Malema: Zille a 'racist little girl', 2009; Malema takes aim at 'cockroach' Zille, 2010). These verbal attacks and the ANC's reluctance to take action against Malema, illustrates the ruling party's hostility towards opposition. This stark dichotomy that the ruling party has created between itself and rival parties reveals the ANC's inherent intolerance of political opposition. This intolerance, however, is not only reserved for opposition parties, but also for civil society actors – in particular the media – that have, on various occasions, taken a critical stance towards the government and ruling party.

In recent years, the media in particular has become the central focus of the ANC. The ruling party has adopted an accusatory tone in relation to the media, claiming that "some fractions of the media continue to adopt an anti-transformation, anti-ANC stance" (ANC quoted in de Jager, 2009: 281). The ANC's distrust of media institutions, has led to the vociferous support for the highly controversial Protection of Information Bill⁴⁰ and a media tribunal. Blade Nzimande (SACP secretary general and current minister of higher education) for instance made the following statement: "We have a huge liberal offensive against our democracy... The print media is the biggest perpetrator of this liberal thinking" (Nzimande warns of 'huge liberal offensive', 2010). This type of view is held by many within the ANC (including Jacob Zuma). The ruling party insists that media should rather contribute to the transformation of society and the NDR rather than acting as a check on government power (de Jager, 2009: 281). The ANC, as mentioned earlier, has placed itself at the helm of the project of transforming South Africa and it "views and portrays the strategies of the opposition, whether it be a political party or civil society organization that is critical of the NDR or its tactics, as

⁴⁰ This refers to the controversial bill put forward by the ANC-led government that seeks to "provide protection of certain information from destruction, loss or unlawful disclosure; to regulate the manner in which information may be protected; to repeal the Protection of Information Act, 1982; and to provide for matters connected therewith" (Protection of Information Bill, 2010). The proposed bill has been severely criticised by opposition parties, the media and various civil society actors with claims that it threatens government transparency and accountability (Sole, 2010).

being anti-transformation and thus illegitimate” (de Jager, 2009: 281). The intolerance of opposition, however, does not only extend to external opposition, but also internal opposition within the ANC’s own ranks.

It has been argued that the politics of exile has led to the decline of the ruling party’s internal democracy (Butler, 2005: 730). Furthermore, Marina Ottaway (1991: 63) argues that an organization that was forced to operate in an inhospitable environment for close to seventy years, including thirty years in exile and clandestinity, would not be democratically inclined. This also seems to be the case with the ANC. The tendency to centralization and the stifling of internal opposition within the ANC’s ranks in recent years indicate “the somewhat Stalinist party school education from the exiles... replicated in the guerrilla camps” (Jeremy Cronin quoted in Butler, 2005: 730). As mentioned before, internal debate and criticism were repressed during Mbeki’s reign while the leadership of the ANC – during this time – launched attacks against internal opposition in the form of the ultra-leftists (Butler, 2005: 732). In April 2001 for instance, Mbeki-loyalist and then minister of safety and security, Steve Tshwete made the spectacular public claim that a trio of old ANC stalwarts – Cyril Ramaphosa, Mathews Phosa and Tokyo Sexwale – were planning to get rid of Mbeki and that he was in personal danger because of it (Pottinger, 2008: 31). Since then, there have been various other alleged plots and most recently there have been claims of a plot to replace Jacob Zuma as ANC leader in 2012 (Dawes, 2011: 2; Letsoalo & Mataboge, 2011: 2). Whether these claims are legitimate or merely being employed to discredit potential competitors is not yet clear. The ANC, it seems, in the post-1994 has been intolerant of internal dissent, competition and opposition – especially when it was directed against the ruling party’s core leadership.

Intolerance of opposition – external or internal – seems to be a characteristic that is typical to liberation movements; the ANC is no different. The harshness of the liberation struggle and the experiences of oppression greatly affected the political culture that was forged within the African National Congress. The organizational structure the movement took on, the factions that were created by the realities of the struggle and the ideological inputs that have guided its actions are still evident in the post-liberation ANC. Furthermore, the exposure to and use of violence during the liberation struggle have also contributed to the molding of the modern ANC while intolerance of opposition has manifested itself in the approach, conduct and views

of the ruling party in the post-liberation era. In the last part of this chapter, a comparison between Zimbabwe and South Africa will be provided in order to highlight the similarities and account for the differences.

4.3 Comparison: ZANU-PF & the ANC:

The political cultures of liberation movements seem to exhibit anti-democratic tendencies that have their origins in protracted armed liberation struggles and a context of state-led suppression. In fact, many liberation movements have subsequently found it difficult to establish a democratic political culture within their own ranks (Gumede, 2007: 12). ZANU-PF and the ANC are not excluded from these tendencies. However, even though liberation movements display tendencies that endanger democracy, Suttner (2004: 4) challenges the assertion that liberation movements have an inherent and inevitable tendency towards authoritarianism. He points out that there is considerable variation under the label ‘liberation movement’ and that a democratic component has also been present within liberation movements by stating the following:

“Most NLMs (National Liberation Movements) comprise a variety of tendencies and cannot be assumed to simply succumb to an authoritarian logic. They are more likely to struggle over the organization’s direction as well as the relationship that the organization, prior to and after attaining power, has with other organizations outside its camp” (Suttner, 2004: 5).

Therefore, when discussing and comparing different liberation movements – like ZANU-PF and the ANC – it should be kept in mind that, even though there are significant similarities, there are considerable differences between the movements. Thus when looking at and investigating the political cultures of ZANU-PF and the ANC, this variation must be kept in mind.

The two liberation movements share a few similarities, but also differ considerably in terms of the factors that have been discussed. In terms of organizational structure and hierarchy, the two organizations differ noticeably. Firstly, the ANC in comparison to ZANU-PF seems to be a more eclectic and broad-based movement due to the various interests and ideologies it has

traditionally accommodated and represented (Deegan, 2001: 28). In other words, ZANU-PF does not have the internal diversity that the ANC possesses. Secondly, the two movements differ considerably in terms of leadership. Since 1977, there has been no leadership change in ZANU – Robert Mugabe has ingrained himself as the party's lifelong leader. The ANC, in contrast, has had various different leaders and centers of power during the liberation struggle and also in the post-1994 era. The ANC's leaders of the 1950s and 1960s have retired by choice, in contrast with Zimbabwe's ZANU-PF and Namibia's SWAPO who are still being led by their founding leaders (Gottschalk & Maphai, 2003: 61). In the post-1994, the ANC has had regular changes in its leadership – from Mandela to Mbeki and from Mbeki to Zuma. This, however, does not mean that the changes have occurred without any internal conflict or hostility, but it does mean that the ANC as an organization at least seems to accept a change in leadership. ZANU-PF, on the other hand, has continued to operate in an authoritarian manner under the leadership of Robert Mugabe.

In terms of ideological inputs, the two movements share a few differences and similarities. In terms of similarities, both movements have been greatly influenced by Marxism/Leninism/Maoism. ZANU-PF, for instance, has greatly been influenced by Marxist-Leninist-Maoist thought, largely due to its association with China (Reed, 1993: 41). The ANC has also been greatly impacted by Marxist-Leninist ideology (due to its relationship with the SACP). Secondly, this ideological influence had significant impacts on the structural organization within both movements. In the ANC's case, the influence of Marxist-Leninist thought led it to becoming hierarchically organized with a tendency to tight control and the centralization of decision making (de Jager, 2009: 278). Correspondingly, ZANU revealed the communist influence in its organization – it was structured along the lines of the Chinese communist party with a Politburo and Central Committee (Stiff, 2000: 30) and clearly also lacking an internal democratic political culture. Thirdly, there seems to be similarities in ZANU-PF's desire to create a one-party state in Zimbabwe and the ANC's quest to extend its power into all spheres of South African society via the National Democratic Revolution (NDR) – both ruling parties are bent on retaining their power, even if it proves detrimental to democratic institutions. In terms of ideological discrepancies, the ANC has been influenced by a plethora of different ideological influences due to the broad-church character that it possesses while ZANU-PF, in contrast, has been impacted by predominantly two ideological

traditions: African nationalism and socialist ideology. Very importantly, the ANC possesses a liberal democratic heritage while ZANU-PF does not.

In terms of exposure to and use of violence, a similarity is that both movements were exposed to prolonged periods of violence and engaged in protracted armed struggles that were violent in nature. The ANC, however, was involved in a much longer armed struggle against the Apartheid state – from the early 1960s up until 1990 – while ZANU launched an armed struggle in the mid-1960s up until the end of the 1970s. A second similarity is that both movements were engaged in violent rivalry with other organizations during the respective liberation struggles. During the liberation struggle in Rhodesia, ZANU was engaged in violent competition with rival liberation movement, ZAPU. Violence between them raged on and the two movements fought each other with a ‘winner-takes-all’-mentality (Yap, 2002: 22). The acrimonious relationship between the two organizations continued throughout the liberation struggle and even extended into the post-liberation era. The ANC also had rivals in the form of other liberation movements – the PAC at the beginning of the 1960s and the IFP in the 1980s and early 1990s. The ANC and its internal associates, the UDF, were engaged in violent confrontation with rival movement, the IFP, during the 1980s and the early 1990s. The ANC at the time encouraged its followers and supporters to view the IFP as ‘the enemy’ and also declared that Inkatha members were legitimate targets (TRC Volume Two, 1998: 341). Thirdly, both organizations used unconventional methods of warfare – ZANU employed Mao Zedong’s three stages of guerrilla warfare while the ANC in the 1980s specifically implemented a ‘people’s war’ based on the strategies used by Vietnamese guerrilla fighters. In addition to this, both movements often targeted civilians, in particular to enforce compliance and to ensure that people supported their cause. One of the main and most significant differences between the two movements is the fact that ZANU-PF has continued to use violent means to retain their hold on power, while the ANC has not. Just as violence was a prominent feature of the minority regime before 1980, it became the defining feature of the ZANU-PF regime (Sachikonye, 2002: 173). In South Africa, in contrast, the ANC has operated within the confines of the constitution and has not used violence against political opponents or other rivals.

Lastly, both organizations display hostility towards opposition. As said earlier, liberation movements do not view pluralism and political competition favorably; the case is no different with ZANU-PF and the ANC. Both ruling parties seem to display the conviction that they are the sole, legitimate representatives of the ‘people’ and that all other political competition is illegitimate. However, even though both organizations seem to display intolerance for opposition in their attitude, rhetoric and behavior, ZANU-PF has purposefully (and violently) suppressed any form of opposition since it came to power in 1980. The ANC, on the other hand, seems to view opposition groups largely as annoyances and merely obstacles to their project of transformation. Despite this though, the ANC has tolerated opposing political parties and civil society groups, not infringing on the rights of these organizations to exist.

It is clear, from the above, that the two organizations share a few similarities, but that there are also important differences to take into account. Therefore, when comparing the two case studies in terms of democratic consolidation, these similarities and especially the vital differences between ZANU-PF and the ANC have to be taken into account.

4.4 Conclusion:

A liberation movement’s political culture refers to a particular set of values, beliefs and worldviews that the movement holds. The context in which this particular political culture has developed, is vital to take into consideration. The liberation struggles were essentially armed conflicts and violent in nature, forcing liberation movements to adopt certain organizational structures and strategies appropriate for warfare. This in turn, shaped their values, beliefs and worldviews. Various scholars (Dorman, Gumede, Melber, Southall) have pointed out, the political culture of liberation movements seem to exhibit anti-democratic tendencies that have their origins in protracted armed liberation struggles.

In this chapter, the political cultures of ZANU-PF and the ANC have been investigated by looking at various factors that have contributed to it, including: organizational structure and hierarchy, ideological inputs, exposure to and use of violence and intolerance of opposition. Particular attention was paid to how these factors affected the two organizations during the liberation struggle periods and how these factors also affected the two movements’ evolution into ruling political parties. In the following chapter, democratic consolidation, specifically

the rule of law, will be discussed and how the attitudes, actions and behavior of the two respective ruling parties have affected it.

Chapter 5

Liberation Movement Governance & the Rule of Law in Zimbabwe and South Africa

5.1 Introduction:

The guiding research question of this study, as put forward in *Chapter 1*, is as follows: “What has been the impact of liberation movement governance on democratic consolidation in Zimbabwe and South Africa?” Democratic consolidation, as already discussed, broadly refers to the establishment of democracy as the ‘only game in town’ and simultaneously the prevention of democratic decay and regression into non-democratic forms of government. The quest for democratic consolidation is one fraught with many obstacles and challenges. The survival of democracy or, in other words, its consolidation is dependent on a variety of (institutional, economic and social) factors, including the rule of law. For the purposes of this particular study, only one factor will be focused on: namely, the rule of law.

In this chapter, specific focus will be placed on how the rule of law has been affected by liberation movement governance in both Zimbabwe and South Africa; keeping in mind how both ZANU-PF and the ANC’s political culture has affected their actions. The two cases will be compared by looking at the following factors, namely: government transparency and accountability, fundamental democratic rights and judicial independence and respect for the judicial process. As already said in *Chapter 2* these are the most suitable factors to help determine what the effects of liberation movement governance are on the rule of law and by extent democratic consolidation. Once again, a comparison will be made in an effort to account for the differences and similarities between the two case studies.

5.2 The Foundations of Democratic Consolidation: The Rule of Law in Zimbabwe & South Africa:

The rule of law is a core principle for liberal democracies and embodies the principles of constitutionalism and limited government. Furthermore, it is considered to be one of the most important factors needed for a democracy to be consolidated. The rule of law is generally

contrasted to the ‘rule of men’ which denotes the unrestrained and arbitrary personal rule by an unconstrained ruler (Rosenfeld, 2001: 1313). It is the essential element of a constitutional government, or in other words, a limited government (Martin, 2006: 239). This entails that every state organ and government institution has to operate within the limitations imposed upon it by the law and the constitution. The rule of law “seeks to ensure that the state will not behave in an arbitrary, corrupt, or oppressive fashion” (International Commission of Jurists quoted in Martin, 2006: 239). Therefore, the emergence of a *Rechtsstaat* – a state of law or a state subject to law – is vital for the consolidation of democracy: “The consolidation of democracy...requires a law-bound, constraint-embedded state” (Linz and Stepan, 1996: 19). A *Rechtsstaat* has meant that the government and state apparatus would be subject to the law, that discretionary powers would be defined and limited and that citizens could turn to the courts to protect themselves against the state. However, it is important to point out here that the rule of law is principally a procedural concept – it does not address substantive questions (Martin, 2006: 239). In other words, if a country’s constitution and laws are oppressive or unjust – as in the case of Apartheid South Africa – the rule of law will *not* limit the oppression or injustice. This is echoed by Agrast, Botero & Ponce (2011: 12):

“...the rule of law must be more than merely a system of rules – that, indeed a system of positive law that fails to respect core human rights guaranteed and established under international law is at best ‘rule by law’, and does not deserve to be called a rule of law system.”

In terms of democratic consolidation, therefore, the rule of law does not only entail governance according to the law, but also whether the law is in fact democratic. Thus, it is also closely linked to the protection of individual rights which are considered to be the core of a democracy (Carothers, 1998: 97). The rule of law, according to the World Justice Project refers to a law-based system in which the following factors are upheld: a) the government and its officials are accountable under the law; b) the laws are clear, stable, fair and protect individual human rights; c) the process by which the laws are enacted, administered and enforced is well-organized, accessible and fair; d) and lastly, access to justice is provided by independent, competent and ethical judges, attorneys and judicial officers who have enough

resources, reflect the composition of the communities they serve and who are of enough numbers (Agrast *et al*, 2011: 7).

As said in *Chapter 2*, this study argues that the attitudes of actors – in this case the political cultures of liberation movements – impact their behavior/actions. This then in turn has an influence on democratic institutions – in this case, the rule of law – that eventually affects democratic stability positively or negatively (see figure 1.1 on page 19). Liberation movements have demonstrated certain tendencies – due to the nature of the armed liberation struggles – that are adverse to democracy. It has to be kept in mind that liberation movements, such as ZANU and the ANC, were engaged in struggles not only against white-minority regimes but also against the unjust legal systems that these regimes were based on. In the post-liberation era, therefore, these movements – in addition to transforming into ruling parties – were now expected to act within the confines of a constitution and to respect the law as the highest authority in society; values that had been alien to them during the liberation struggles. Sufian Bukurura (2003: 35) makes the following important observation with regards to this:

“On the one hand, liberation struggle was predicated on the defiance of colonial authority and the laws on which it was based. On the other hand, however, constitutionalism is anchored on respect for the rule of law and constitutional limits of power. Put differently, liberation struggle was based on deliberate and concerted violation of law, with confrontation being the basic strategy. Constitutionalism, for its part, depends on adherence to law and the limits it imposes, where tolerance and compromise are the basic methods.”

Thus, adherence to and respect for the rule of law may prove problematic for these liberation movements who have become ruling parties because: “...the ruling elites of southern Africa have shown that their chief concerns are with self-interest and retention of power, and constitutionalism counts for little by comparison” (Good, 2003:7).

5.2.1 ZANU-PF & the Rule of Law:

The rule of law in Zimbabwe has gradually and deliberately been eroded by the Mugabe regime since 1980. For the first ten years of independence, Zimbabwe was governed in accordance with the Lancaster House constitution and the rule of law was generally observed and upheld. Soon, though, ZANU-PF began to display contempt for the rule of law, starting with the *Gukuruhundi* in 1983 (Moore, 2006: 249; Martin, 2006: 248). However, it was the crucial constitutional amendments⁴¹ made in 1987 that facilitated the ruling party's political dominance and seriously undermined the rule of law; in fact, it paved the way for Zimbabwe's democratic decay and descent into authoritarianism. These changes marked "an abandonment of the classic notion that the purpose of constitutions is not to facilitate the exercise of state power, but to limit it" (Kagoro, 2004: 241). But it has been the period since 2000 in particular that has witnessed an unrelenting, blatant and vicious attack against the rule of law in Zimbabwe (Feltoe, 2004: 12). Susan Booyesen (2003: 2), in accordance with Feltoe, states the following:

"The façade of supremacy of the law and legality of political and electoral measures, and, on a certain level, adherence to electoral procedure and multi-partyism, started caving in under the pressure of the electoral domain trilogy of the 12-13 February 2000 constitutional referendum, the 24-25 June 2000 parliamentary, and the 9-10 March 2002 presidential elections. A growing chasm emerged between constitutionalism-legality, and furnace politics⁴² within the legal-constitutional shell."

5.2.1.1 Government transparency & accountability:

Some of the most important facets to the rule of law – and vital features of a democratic regime – are the transparency of the government's actions and the accountability of

⁴¹ In 1987, a series of decisive amendments were pushed through parliament; one being the Constitution of Zimbabwe Amendment Act (Amendment no. 7) (Kagoro, 2004: 240). This led to the abolition of the office of the Prime Minister and the creation of a very powerful executive presidency "with sweeping powers," (Blair, 2002: 36). The provisions of this amendment essentially placed the president above the judiciary and parliament (and therefore above parliamentary accountability) while it granted the president rule-making powers that equaled that of the rest of the legislature (Booyesen, 2003).

⁴² According to Booyesen (2003: 2), 'furnace politics' refers to political practice which contradicts claims to constitutionalism.

government officials to the law (Agrast, Botero & Ponce, 2011: 7). However, in Zimbabwe's case this has been eroded due to a culture of patronage and high levels of corruption. In 2007, Transparency International found that corruption in Zimbabwe had "reached epidemic proportions" while its Corruption Perception Index (CPI) of 2010 ranked Zimbabwe 134 out of 178 countries with a weak score of 2.4⁴³ (Transparency International, 2007: 6; Transparency International, 2010: 3). Additionally, the Ibrahim Index of African Governance of 2009 gave Zimbabwe a very low score of 14.9 (0 being the worst and 100 the best) and a ranking of 51 out of 53 countries (with 1 being the best) for accountability and corruption (Mo Ibrahim Foundation, 2010). In the 2010 Freedom House report, *Countries at the Crossroads*, Zimbabwe received a score of 1.04⁴⁴ for transparency and anti-corruption (Lloyd, 2010: 12). This report also found that the government does not possess effective administration processes or legislation that punishes corruption and promotes integrity, which only leads to increased levels of corruption. The aforementioned findings clearly indicate that Zimbabwe has a serious problem with government transparency and accountability.

One of the key components of corruption and the lack of transparency and accountability in Zimbabwe is the system of patronage that ZANU-PF has perpetuated. In fact, this has played a key role in keeping ZANU-PF in power for the last three decades. As pointed out in *Chapter 4*, ZANU-PF sees itself as the only legitimate party to rule Zimbabwe and has used state organs to reflect this firmly held belief (Kaulemu, 2004: 80). The greatest prize for ZANU-PF in the aftermath of the liberation struggle has been the capture of the state; in other words, the attainment of authority over state apparatus, including its military machinery and economic resources (Bratton & Masunungure, 2008: 44). As a result of this, Zimbabwe has a ruling party that is fused with the state and "a party machinery that penetrates the organs of the state" (Bratton & Masunungure, 2008: 42, 43). Crucially, ZANU-PF has also extended its influence over the security apparatus of the state. In reality, senior security officials owe their positions to Mugabe and are loyal to ZANU-PF due to the patronage they have received for their loyalty (Lloyd, 2010: 11). With the transformation (Africanization) of the civil service, the politicization of state agencies took place. This has led to a situation whereby employment

⁴³ Scores are based on a scale of 0 to 10 with 0 representing 'highly corrupt' and 10 'very clean' (Transparency International, 2010: 3).

⁴⁴ Scores in the *Countries at the Crossroads*-report are based on a scale of 0 to 7, with 0 representing the weakest and 7 representing the strongest performance (Lloyd, 2010: 1).

in the civil service is dependent on support for ZANU-PF; in other words, those loyal to Mugabe and ZANU-PF are 'rewarded', whilst those deemed disloyal are punished or eliminated (Sachikonye, 2009: 2). A Minister (quoted in Vivian, 2006: 7) once made the following announcement: "Civil servants who do not support the principles of the ruling political party should not continue to work for the government." Lloyd (2010: 4) states the following in accordance with this: "The civil service has generally been seen as a means to reward political supporters, with ZANU-PF loyalists receiving privilege in employment opportunities." It has especially been the elite within the upper echelons of the party-state that has benefitted from this; those members of the elite who have been loyal to Mugabe and the leadership of the ruling party (Meredith, 2002: 78).

The controversial land reform policy of 2000 provided the government with additional sources for patronage as "cabinet ministers, senior civil servants, security-force commanders, senior judges, and ZANU-PF parliamentarians were rewarded the best properties confiscated from commercial farmers" (Bratton & Masunungure, 2008: 46). This patronage, however, has not been limited solely to farmland but has also included housing, government contracts and state enterprises. In fact, state enterprises have effectively been looted by ZANU-PF cronies:

"The toll on state-owned enterprises, all staffed by ZANU-PF appointees (PEPs), was especially severe. One by one the national airline, the railways, the National Oil Company, the Grain Marketing Board, the Zimbabwe Electricity Corporation, the National Security Authority and the District Development Fund were all hit by gross mismanagement, rampant graft, and outright theft," (Meredith, 2002: 98).

Furthermore, ZANU-PF also owns a wide range of companies that allows party elites to share in the profits, while Mugabe heads various enterprises of patronage, government and business (Lloyd, 2010: 13). The government, in addition to the above-mentioned, also does not disclose many financial details, like for example asset declaration which makes transparency difficult. Henning Melber (2011: 83) made the following important observation in relation to liberation movements who have become dominant ruling parties:

“The party machine serves also as a vehicle for economic wheeling and dealing in favor of political dons and their clientele... Such trends of political entrenchment of particular class interests at the expense of democracy and redistributive socio-economic measures beyond privileging a new elite are also visible... The denial of collective political participation of the majority goes hand in hand with the continued socio-economic exclusion of those who remain politically marginalised...”

This is also evident in the case of Zimbabwe where ZANU-PF’s inner circle – essentially a political/business elite – has used the state as an instrument of accumulation; accumulation that they perceive themselves to be entitled to, even if it is detrimental to the national interest (Scarnecchia, 2006: 233, 234). Roger Southall (2003: 37) states the following in relation to the culture of entitlement that has developed within dominant parties, including ZANU-PF: “The growth amongst power-holders of a ‘culture of entitlement’ to state resources, and even to resources owned by the state, is an inevitable result.” Under circumstances like these, government transparency and accountability are made nearly impossible; this in turn adds to the continuing deterioration of the rule of law in Zimbabwe.

5.2.1.2 Fundamental democratic rights:

The protection of and respect for democratic rights is fundamental to the rule of law and defining features of a democracy. Without this, no regime can be considered democratic. Zimbabwe’s record with regards to rights (human rights, political rights and civil liberties) is dire, especially for the last ten years. In 2009, the country scored a measly 20.7 out of 100 for rights and a ranking of 48 out of 53 countries with 1 being the highest (Mo Ibrahim Index, 2010). According to the Ibrahim Index, Zimbabwe has received the lowest possible score for human rights⁴⁵; it scored 0 out of 100 and a ranking of 48 out of 53 countries with 1 being the highest (Mo Ibrahim Index, 2010). In addition to this, Zimbabwe has also not fared well with regards to political rights and civil liberties. Zimbabwe received a low score of 6⁴⁶ for both political rights⁴⁷ and civil liberties⁴⁸ in Freedom House’s (2010) ‘Freedom in the World’-

⁴⁵ The human rights indicator assesses the likelihood of a state being accused of serious human rights violations (Mo Ibrahim Foundation, 2010).

⁴⁶ Scores are based on a scale of 1 to 7 with 1 representing the highest level of freedom and 7 the lowest level of freedom (Freedom House, 2010).

⁴⁷ These rights allow people to participate freely in the political process. This includes the right to vote freely for any party, to compete for public office, to join political parties and organizations and also the

survey while the *Countries at the Crossroads*-report also gave Zimbabwe a low score of 2.21 for civil liberties (Lloyd, 2010: 6). It is clear from this then that ZANU-PF's blatant attack on these fundamental rights over the course of three decades has been the clearest manifestation of the regime's undemocratic character.

ZANU-PF is infused with a culture of intimidation, intolerance and violence derived from the liberation struggle (Ndlovu-Gatsheni, 2002: 103). It has therefore, on many occasions, reverted to violent repression in order to stay in power and to impose its dominance, in the process destroying citizens' fundamental democratic rights. The ZANU-PF-regime's first assault on human rights was *Gukuruhundi* in 1983, a violent and brutal military campaign in Matabeleland which proved to be a defining moment for the ZANU-PF regime. It demonstrated the ruling party's willingness, more than any other period in the history of post-independence Zimbabwe, to use violence against defenseless citizens (Ndlovu-Gatsheni, 2002: 116). The violence that engulfed Matabeleland between 1983 and 1986 led to the death of approximately 20 000 people and the torture, rape and displacement of thousands more (Phimister, 2008: 197). It was essentially a massacre of the ZAPU-supporting Ndebele-population and was carried out by the notorious (and predominantly Shona) Fifth Brigade⁴⁹; they were deployed with the main aim of crushing ZAPU and enforcing support for ZANU-PF (Blair, 2002: 30). The justification for the Fifth Brigade's operations was the existence of so-called ZAPU dissidents who were deemed to be a threat to the state (Phimister, 2008: 198). However, it became clear that the Fifth Brigade was trained to target civilians, using a high level of brutality:

“According to eye witnesses, the mass beatings and killings involved marching at gun point, of scores of hundreds of villagers over large distances to a central venue such as a school or water point. Once there, there followed hours of public beatings by the

right to elect representatives who have an important impact on government policies and are accountable to the electorate (Freedom House, 2010).

⁴⁸ Civil liberties include freedom of expression and belief, organizational and associational rights, the rule of law and personal autonomy without the interference of the state (Freedom House, 2010).

⁴⁹ The Fifth Brigade refers to the North Korean-trained military unit responsible for carrying out the attacks in Matabeleland in the 1980s (Blair, 2002: 30). It was a unit placed directly under Mugabe's personal control and outside of the normal army command structure.

Gukuruhundi soldiers which, more often than not, ended up in civilian public executions,” (Matshazi, 2007: 81).

In addition to this, the Zimbabwean Human Rights NGO forum concluded that:

“Hundreds of thousands of others were tortured, assaulted or raped or had their property destroyed... Of the people who died, some were shot where they were found; some were ‘disappeared’, then executed and buried or thrown down disused mine shafts; some were taken to torture camps where some died under torture or were later executed,” (the Zimbabwean Human Rights Forum quoted in Phimister, 2008: 198).

The Matabeleland-massacre, however, was only the first instance of violent repression by the Mugabe regime. In the aftermath of the 2000 referendum, a period of unprecedented state violence was unleashed. It was immediately after the government’s defeat in the referendum that the controversial ‘land grabs’ or land expropriations⁵⁰ started. This launched what the ZANU-PF-regime has termed the *Third Chimurenga*⁵¹ in reference to the liberation struggle of the 1960s and 1970s (Martin, 2006: 249). The farm invasions were orchestrated and carefully planned by ZANU-PF’s leadership and violently executed by the war veterans who were loyal to the ruling party (Feltoe, 2004: 199). The year 2000 was a turning point for Zimbabwe because the (violent and unlawful) seizure of white-owned, commercial farms started the country’s descent into “barbarism and anarchy” (Martin, 2006: 250). Another example of the ruling party’s complete disregard for human rights was Operation Murambatsvina⁵² in 2005 (Bratton & Masunungure, 2008: 50). In May 2005, police attacked the largely informal enterprises of thousands of vendors and traders all over the country; it was estimated that around 90 000 people lost their livelihoods due to this (Ndlovu, 2008: 217, 218). This assault and destruction also shifted towards housing in which thousands of dwellings were destroyed.

⁵⁰ This refers to the government’s policy of uncompensated land seizures that started in 2000 and primarily targeted commercial farmland owned by white Zimbabweans (Lloyd, 2010: 11).

⁵¹ According to Booysen (2004: 90) the *Third Chimurenga* constitutes the final phase of the liberation struggle in which the land will be returned to the people.

⁵² Operation Murambatsvina or ‘Operation Drive out the Trash’ in May 2005 saw the eviction of millions of people from their homes in squatter camps in urban areas all around Zimbabwe. The government claimed that this formed part of their so-called ‘urban renewal’ program, but it was rather an act of vengeance against the urban population, the majority of whom supported the opposition MDC (Norman, 2008: 112).

The government claimed that the houses and businesses were illegal and therefore had to be removed so that order could be restored (Ndlovu, 2008: 222). The real reason for this, however, seemed to be the retention of power by ZANU-PF – Murambatsvina was launched two months after the dubious 2005 parliamentary elections – and also due the urban population’s support for the Movement for Democratic Change (MDC) (Ndlovu, 2008: 224, 225). These examples clearly illustrate the ZANU-PF-regime’s complete disregard for human rights and the rule of law.

The Lancaster House constitution specifically guaranteed various rights including protection from arbitrary search or entry, among other rights. However, the crucial constitutional amendments made in 1987 subordinated these rights to “the interests of defense, public safety, public order, and public morality” (Lloyd, 2010: 6). In addition to this, the state of emergency-laws that the Ian Smith regime employed to limit civil liberties before independence were retained and used by the ZANU-PF-government to suppress opposition. Zimbabwean security forces – that are loyal to the ruling party – abuse citizens with impunity, often ignoring basic rights in relation to searches, seizures and detention (Freedom House, 2010). The harassment, detention, torture and killing of civilians by these security forces have not been condemned by the ZANU-PF regime or investigated (Lloyd, 2010: 11). It has also been found that:

“ZANU-PF militias operate as de facto enforcers of government policies and have committed assault, torture, rape, extralegal evictions, and extralegal executions without fear of punishment...,” (Freedom House, 2010).

Furthermore, political opponents of the government have no protection against arbitrary arrest or long-term detention without trial:

“Pretrial detention is a major problem, with some inmates held for over 10 years without trial. Scores of MDC officials and activists were abducted, charged with treason, and detained without due process throughout 2008,” (Freedom House, 2010).

Citizens also do not have the effective means to safeguard them from government abuses or the means of reparation and petition when their rights have been violated (Lloyd, 2010: 8). Furthermore, citizens' right to independent counsel is also often denied and while defendants have the right to request legal assistance it is not usually granted unless the charges are serious felonies (Lloyd, 2010: 11).

Elections are also not free and fair and generally characterized by widespread violence and intimidation; for instance, the 2008 elections were marred by violence and intimidation, biased media coverage, the use of state resources to bribe and threaten voters and flawed voter registration and balloting (Freedom House, 2010). Freedoms of expression and the press are also severely restricted in Zimbabwe due to draconian legislation such as the Access to Information and Protection of Privacy Act (AIPPA), the Official Secrets Act, the Public Order and Security Act (POSA) and the Criminal Law (Codification and Reform) Act (Freedom House, 2010). These laws have allowed the state to exercise extensive control over the media while the government continues to dominate the broadcast and print media; in 2009, retired military and intelligence officers that were loyal to Mugabe were appointed to the boards of the state-controlled Zimbabwean Broadcasting Corporation (ZBC), state-owned newspapers and the NewZiana news agency (Sachikonye, 2009: 2; Freedom House, 2010). Both the POSA and the AIPPA impose limits on activists' ability to associate, assemble and speak (Lloyd, 2010: 4). Furthermore, the POSA has also made it easier for the ZANU-PF-government to charge political opponents because of the limits it imposes on association, assembly and speech (Sachikonye, 2009: 2; Lloyd, 2010: 7). As with other rights, Zimbabwe received a low score of 22.2 out of 100 for freedom of expression⁵³ and 25.6 out of 100 for press freedom in 2009 (Mo Ibrahim Foundation, 2010). In addition to this, ZANU-PF's disrespect for judiciary's independence and the judicial process has further undermined the rule of law in Zimbabwe.

5.2.1.3 Judicial independence & the respect for the judicial process:

Some of the most important features of a functioning democracy are the independence of the judiciary and respect for the judicial process; when this is compromised, the rule of law

⁵³ The extent to which citizens, organizations and the mass media can express their opinions freely (Mo Ibrahim Foundation, 2010).

breaks down. Throughout its tenure as Zimbabwe's ruling party, ZANU-PF has consistently undermined the authority and independence of the judiciary by manipulating the judicial process, attacking judges and ignoring court rulings.

The independence of the judiciary is crucial because it is the branch of government that monitors the allocation and use of power and therefore needs to be free from pressure and interference from those in power it is responsible for checking (Goredema, 2004: 100). However, since 1980 this has consistently been under attack in Zimbabwe. Furthermore, the Zimbabwean government has a long history of overruling or simply ignoring court orders, starting almost immediately after Robert Mugabe came into office in 1980 (Vivian, 2006: 3). This was done in the follow ways: firstly, the ZANU-PF-regime paid no heed to court orders; secondly, the government chose to ignore selected criminal actions; and thirdly it issued presidential pardons and granted amnesties in order to overrule court decisions. A speech made in 2001 by ZANU-PF MP, Webster Shamu (quoted in Goredema, 2004: 99), perfectly captures the ruling party's view on an independent judiciary:

“Those who exercise power do so on behalf of the people to which they must always be accountable. No species of power is exempt from the universal tendency to corrupt those who wield it. Our Judiciary is no exception. No person who wields power should therefore be exempt from the obligation to be accountable to us the people and to God... The rhetoric of Judicial independence must not be allowed to continue to be used to mask the reality of Judicial despotism... It is therefore the democratic right and duty of the people of Zimbabwe, as a free people, to monitor and control the power of the Judiciary.”

Initially, though, Zimbabwean judges were appointed on merit and “fought an exemplary fight to uphold the rule of law” (Vivian, 2006: 5). But since the late 1980s and early 1990s, it became evident that government and sections of the legislature were not comfortable with the existence of an autonomous judiciary (Goredema, 2004: 101). The judiciary – just like most state institutions – has become an instrument in the hands of the ZANU-PF-regime and despite the fact that the constitution provides for an independent judiciary, the president has the authority to directly appoint judges to the Supreme and High Courts without legislative

approval and over the years, President Mugabe has steadily increased his control over the judiciary (Bratton & Masunungure, 2008: 46; Lloyd, 2010: 10). The country received a low score of 25 out of a 100 for judicial independence in 2009 and has not received a score of above 40 for this particular indicator over the last ten years (Mo Ibrahim Foundation, 2010). This illustrates the stark reality of just how much judicial independence has been withered away in Zimbabwe. The ZANU-PF-regime has gone on to subjugate the judiciary through the use patronage and intimidation (Goredema, 2004: 106; Bratton & Masunungure, 2008: 46).

The economic crisis that Zimbabwe has faced since the late 1990s, has affected every layer of society including the judiciary (Goredema, 2004: 105). The sources that are available to the judiciary have dwindled dramatically, leading to adverse consequences for its impartiality and ability to fulfill its tasks. The salaries of judges, for instance, cannot keep up with the cost of living and working conditions have continued to deteriorate, thus making incumbents susceptible to bribery and illegitimate influence from the government and other sources. For example, the farms that were seized in the government's controversial land reform policy have been offered to each of the judges of the superior courts with some of them accepting the offers (Goredema, 2004: 106). Additionally, Mugabe has also appointed judges to the superior courts who are loyal to ZANU-PF, further undermining the independence of the judiciary and by extent the rule of law. As opposition to the government grew in the aftermath of the 2000 referendum, the judiciary and specifically independent judges became the target of intimidation and manipulation (Tshuma, 2010).

When it became clear that judges were determined to uphold the constitution and thereby hinder the government's 'land grab' plans, Mugabe launched an intensive attack on the judiciary (Vivian, 2006: 5). Due to the political nature of the land reform policy, the government was not prepared to let the courts interfere (Feltoe, 2004: 204). It therefore proceeded to "mount vicious verbal attacks upon the judges, and stage-managed a series of protests by the war veterans against them" – this eventually led to the invasion of the Supreme Court buildings by the pro-government war veterans in 2001 (Feltoe, 2004: 205). Furthermore, Mugabe also frequently denounced and verbally attacked white judges in an effort to discredit the judiciary and to create the impression that the judges were deliberately obstructing the fair distribution of farmland. Eventually, these merciless attacks took their toll

– the chief justice of the Supreme Court at the time, Anthony Gabbay, was forced into retirement in 2001 after the government stated that it could not guarantee his personal safety (Feltoe, 2004: 208; Lloyd, 2010: 10). Throughout 2001, the government continued with its campaign of intimidating senior judges into retirement and with the transformation the court system by appointing a dozen new judges to the Supreme and High Courts (Bratton & Masunungure, 2008: 46). The way in which government obtained these resignations and made the new appointments “constituted the most notable breach of the independence of the judiciary since the achievement of independence in Zimbabwe” (Goredema, 2004: 103). Furthermore, the ZANU-PF-regime has also undermined the rule of law by blatantly ignoring or overruling court orders.

Anthony Gabbay (referenced in Bukurura, 2003: 36) states that there have been two phases of the way in which the government has responded to judicial decisions. In the first phase (from 1980 until 1990), the government disregarded court orders in relation to the release of detainees and the payment of damages to the victims of human rights violations. The second phase (from 1991 until 2000) entailed constitutional manipulation in order for the government to reduce its responsibility towards human rights or to overrule court decisions favorable to human rights. In the post-2000 period, however – as pointed out earlier – the ZANU-PF-regime has not only ignored court rulings, but it has gone on to directly attack the judiciary. Therefore, the judicial process – and the rule of law by extension – has been undermined due to the concerted efforts of the ZANU-PF-regime. According to the Zimbabwe Lawyers for Human Rights (quoted in Goredema, 2004: 105):

“In Zimbabwe we have had the executive refusing to enforce certain court orders that are seen to be unfavorable to the state or the ruling ZANU-PF party. The executive has also attacked the judiciary openly, quite unprofessionally and unfairly in a number of cases. The government of Zimbabwe however has a history of attacking the judiciary or members of the legal profession each time the executive is unhappy at certain judicial decisions.”

The ZANU-PF-regime has considered itself superior to the judiciary and therefore not accountable to it and although it has been fully aware of the fact that disrespecting court

rulings is extralegal, it has continued on this course anyway (Goredema, 2004: 105). This behavior, in turn, has had devastating effects on the rule of law and democracy in Zimbabwe.

It is clear from the discussion of these above-mentioned factors, that the ZANU-PF-regime has displayed disrespect and disregard for the rule of law and what it entails. In fact, it has made a concerted effort to undermine this in order to remain in power; in the process destroying democratic governance. When looking at the destruction of the rule of law in Zimbabwe, it is clear that ZANU-PF's behavior has been shaped by its authoritarian political culture as discussed in *Chapter 4*.

5.2.2 The ANC & the Rule of Law:

The end of Apartheid and the start of a democratic era in South Africa facilitated the emergence of a strong commitment to the rule of law and the values of constitutionalism. The South African democracy has prided itself on the strength of its constitution and in particular the emphasis that is placed on the protection of democratic rights. According to the World Justice Project, South Africa has the best record for the rule of law in sub-Saharan Africa (Agrast *et al*, 2011: 7). The country has fared well with regards to indicators such as government accountability, respect for democratic rights and judicial independence (Agrast *et al*, 2010: 34). However, in recent years – especially after the ANC's 2007 National Conference and the Zuma corruption case – there have been instances where the ANC's behavior has proven detrimental to the rule of law and harmful to democracy in general. Pierre de Vos (2010: 95) makes the following statement in regards to this:

“The post-1994 era has been characterized by a one party political landscape, which brings enormous pressures to bear on the integrity of our system of government, the rule of law and, ultimately democracy.”

In the following section, the three factors associated with the rule of law will be discussed, focusing specifically on how the ANC's behavior as South Africa's ruling party has affected these factors.

5.2.2.1 Government transparency and accountability:

South Africa has various democratic institutions in place to ensure government transparency and the accountability of government officials to the law. In terms of accountability and corruption, South Africa received a good score of 76.5 out of 100 (with 0 being the worst and 100 being the best) in 2009 and a ranking of 5 out of 53 countries – with 1 being the highest – for this particular indicator (Mo Ibrahim Index, 2010). Transparency International's 2010 Corruption Perception Index gave South Africa a score of 4.7⁵⁴ and a ranking of 54 out of 178 countries with 1 being the highest (Transparency International, 2010: 2). In terms of the absence of corruption, South Africa received a score of 0.61⁵⁵ and a ranking of 29 out of 66 countries and a regional ranking of 1 out of 9 states from the World Justice Project (Agrast *et al*, 2010: 93).

Furthermore, the constitution has provided a vigorous system of checks and balances between the executive, legislature and judiciary (Rosenberg, 2010: 4). The legislature – which consists of the National Assembly and the 90-seat National Council of Provinces (NCOP) – has, in theory, significant oversight and approval powers in relation to the executive and can also question members of the executive in parliamentary sessions. In addition to this, every act that is passed is subject to review by the judiciary which is headed by the Supreme Court of Appeals and the Constitutional Court (Rosenberg, 2010: 4). Furthermore, six independent institutions⁵⁶ – referred to as the Chapter 9 institutions – that are accountable to the National Assembly and protected from outside interference, have been created in order to support a constitutional democracy (Constitution of the Republic of South Africa, 1996). Two of these institutions that specifically deal with corruption are the Auditor-General (AGSA) and Public Protector (Ombudsperson) (Rosenberg, 2010: 13). The Auditor-General is tasked with auditing and reporting on the finances of any agency or institution that receives public funding; it has to submit its reports to the National Assembly and make its findings accessible to the public (Constitution of the Republic of South Africa, 1996). The Public Protector is

⁵⁴ Scores are based on a scale of 0 to 10 with 0 representing 'highly corrupt' and 10 'very clean' (Transparency International, 2010: 3).

⁵⁵ The lowest score possible is 0.00 while the highest score possible is 1.00 (Agrast *et al*, 2010: 93).

⁵⁶ The institutions include: the Public Protector (Ombudsperson); Auditor-General; Electoral Commission; Human Rights Commission; Commission for the Promotion and Protection of the Rights of Cultural, Religious, and Linguistic Communities; and the Commission for Gender Equality (Constitution of the Republic of South Africa, 1996).

empowered to investigate “maladministration, abuse of power, improper conduct, and acts of omission that result in prejudice to another person” (Rosenberg, 2010: 13). Outside of these Chapter 9 institutions, there are also several other bodies and agencies tasked with contributing to South Africa’s anti-corruption efforts, most notably the police’s anti-corruption unit, the Directorate for Priority Crime Investigation (the Hawks) that controversially replaced the Directorate of Special Operations (the Scorpions) in 2008. It is clear from this that the South African democracy has – at least in theory – a robust system of accountability and oversight. However, in reality, the ANC’s overwhelming dominance of the legislature and executive at both national and provincial level has significantly undermined the effectiveness of South Africa’s institutional checks and accountability mechanisms (Rosenberg, 2010: 4).

In South Africa, the lines between party and state – just as in the case with Zimbabwe – have become blurred with the ANC purposefully extending its control over state apparatus largely through its policy of cadre deployment. This entails the appointment or assignment of those loyal to the ruling party to areas of key influence, including: business, non-governmental organizations, parliament, scientific bodies, sporting associations, state institutions (that are supposed to be independent), *et cetera* (Pottinger, 2008: 37). As discussed in *Chapter 4*, the deployment of cadres is based on the ANC’s determination to control the state and penetrate all levers of power in society (de Jager, 2009: 283). Brian Pottinger (2008: 38), in relation to this, makes the following important observation:

“By 2004, the ruling party’s program of appropriating the state bureaucracy was all but complete. At national, provincial and local levels, ANC-appointed public servants were in office, if clearly not in charge. When Mbeki spoke of the state, he actually meant the ANC. And when he referred to the government, he was talking about the ANC.”

Thus the accountability and loyalty of (key) state institutions is firstly to the ruling party while the ANC has quite unashamedly committed itself to extending its power over these institutions that are responsible for holding the government accountable (de Jager, 2009: 283; Schlemmer, 2005: 9). For instance, the ANC has invoked party loyalty on various occasions to prevent

Parliament from conducting efficient oversight over the executive's actions (Mattes, 2002: 27). As a result of this cadre deployment policy, the public service is riddled with corruption due to appointments being made based on political affiliation (to the ANC) and nepotism (Rosenberg, 2010: 4). Furthermore, members of the ruling party have also been involved in various high-profile corruption scandals over the years, including the infamous Arms Deal or the 1999-2000 Strategic Defense Procurement Package; Oilgate⁵⁷; Travelgate⁵⁸; police commissioner Jackie Selebi's conviction of corruption; *et cetera*. In fact, President Jacob Zuma has also faced corruption charges since 2005 which were finally dropped in 2009, only two weeks prior to the national elections (Freedom House, 2010). It seems that party and state positions are viewed to be the gateway to private wealth (Southall, 2007: 8). These corruptions scandals reflect the tendency of the lines between the ruling party and the state to become blurred. According Southall (2007: 9):

“At fault, it appears, is not a lack of formal measures but of political will to combat corruption. This has its roots in the volatile combination of the ANC's erosion of the distinction between party and state, the widespread sense entitlement amongst many public and ANC functionaries, and a scramble for private wealth within an economy whose advantages have historically been denied to the majority of the population on grounds of race.”

Despite the existence of a robust system to combat corruption, the enforcement of anti-corruption legislation remains a major problem in South Africa (Rosenberg, 2010: 13). For instance, civil servants regularly fail to declare their business interests as required by law and punishment for failing to declare these interests are virtually nonexistent (Freedom House, 2010; Rosenberg, 2010: 14). Furthermore, civil servants who have been convicted of corruption are not barred from working for the government in the future. In addition to this, the ANC-regime in the last few years has shown a dangerous tendency of subjugating some of these institutions that are responsible for ensuring government transparency and accountability. For instance, in October 2008 the parliament – amidst heavy objection from

⁵⁷ This refers to the scandal whereby Invume Management made an irregular payment of R15 million it received from the state parastatal PetroSA, to the ruling ANC – with whom it had a close relationship – ahead of the 2004 general elections (Southall, 2007: 10).

⁵⁸ This refers to the scandal involving the abuse of travel vouchers by predominantly ANC Members of Parliament (Rosenberg, 2010: 14).

civil society and opposition parties – disbanded the Directorate of Special Operations (the Scorpions), an independent agency that was tasked with pursuing several high-profile investigations – including the Jacob Zuma and Jackie Selebi corruption cases (Freedom House, 2010). Pottinger (2008: 41) claims that the Scorpions became a casualty in the Mbeki/Zuma-power struggle within the ANC and that the state apparatus was manipulated to serve one or other faction's interests:

“The mere fact that such an important organ of state with a demonstrable record of success could be made a football of whim, expedience and prejudice was an indication of the fragility of state institutions fourteen years into ANC rule.”

The disbandment of the Scorpions is viewed by many as an example of how the ANC is willing to manipulate state institutions for its own purposes. Incidents in 2011 have also caused concern with the investigations being launched against the current Public Protector, Thuli Madonsela, and the head of the Special Investigating Unit (SIU), Willie Hofmeyr. It has been reported that Madonsela was under investigation for fraud and corruption charges; she is currently investigating a corruption scandal involving National Police Commissioner, Bheki Cele, and has also indicated that she intended to reopen the Oilgate-investigation (Sole, McKune & Evans, 2011: 2). According to Sole *et al* (2011: 2) these developments reveal that “her independence represent a common threat to all major factions of the ruling party”. Shortly after this, it was also announced that the head of the Special Investigating Unit (SIU), Willie Hofmeyr, was under investigation (Marrian, 2011). The SIU is currently involved in several serious and high-profile investigations, including a probe into police acquisition of office space. According to the chairperson of the Council for the Advancement of the Constitution, Siphosiso Pityana (quoted in Marrian, 2011): “It seems that anybody who investigates corruption has to accept that they themselves would eventually be investigated.” In addition to this, the proposed Protection of Information Bill is also viewed by many as being in violation of the constitution, specifically the constitutional requirement of transparency (Activists mobilize as ANC rolls back Info Bill progress, 2011). The Bill, as it stands, gives any state organ (every governmental department and even the public broadcaster, libraries and zoos) the power to classify information. It prescribes a minimum prison sentence of fifteen years for anyone who makes top secret information available to the public – this

provision is widely viewed as an attempt to restrain investigative reporting and criticism of the government (Activists mobilize..., 2011). Therefore, despite the fact that South Africa has legislation and institutions in place to fight corruption, these incidents and the ruling party's behavior in recent years pose a serious threat to government transparency and accountability in South Africa.

5.2.2.2 Fundamental democratic rights:

South Africa has prided itself on the wide variety of rights that are guaranteed and protected by the constitution. The South African constitution has been hailed as:

“...the darling of both liberals and social democrats around the world. Widely seen as a ‘state of the art’ document, it contains a wide array of classic political and socioeconomic rights, institutional innovations as the National Council of Provinces, a range of independent watchdog agencies and commissions, and an activist Constitutional Court,” (Mattes, 2002: 24).

Also included in the constitution is a Bill of Rights comprised of a variety of individual human rights, political rights and civil liberties. Furthermore, it is proclaimed to be the cornerstone of the South African democracy and that the state is obligated to “respect, protect, promote and fulfill the rights in the Bill of Rights” (Constitution of the Republic of South Africa, 1996). During the ANC's tenure as South Africa's ruling party, these fundamental rights have generally been respected, protected and promoted. It is important to keep in mind that the ANC played an active part in drafting South Africa's democratic constitution and that the document has included “in its text many of the demands called for by the Freedom Charter” (African National Congress, 2011). In addition to the existence of a Bill of Rights, there are independent institutions tasked with monitoring that these rights are indeed being upheld and protected. One such institution is the South African Human Rights Commission (SAHRC). The SAHRC is responsible for: a) the promotion of human rights and a culture of human rights; b) promoting the protection, development and attainment of human rights; and c) to monitor and assess the observance of these rights in South Africa (Constitution of the Republic of South Africa, 1996). Furthermore, the SAHRC is granted the authority to: a) investigate and to report on the observance of human rights; b) to take steps in order to assure

the appropriate redress where human rights have been violated; c) to carry out research; and d) to educate. Therefore, due to this, South Africa has had a favorable democratic rights record since 1994 with the ANC-regime respecting the fundamental rights as set out in the constitution.

In the latest Ibrahim Index of African Governance in 2009, South Africa received a relatively high score of 69.4 out of 100 overall for rights (human rights, political rights and civil liberties) and a ranking of 11 out of 53 countries (Mo Ibrahim Index, 2010). In terms of human rights⁵⁹, South Africa received a score of 50⁶⁰ out of 100 and a ranking of 11 out of 53 countries; far better than Zimbabwe's score of 0 and ranking of 53 (Mo Ibrahim Index, 2010). The World Justice Project gave South Africa a score of 0.65⁶¹ and a ranking of 31 out of 66 countries for fundamental rights⁶² (Agrast *et al*, 2010: 93). The constitution also prevents discrimination based on the categories of "race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth" (Constitution of the Republic of South Africa, 1996). In terms of political rights and civil liberties, South Africa has also had a good record so far. According to Freedom House (2010), the country received a good score of 2⁶³ for both political rights and civil liberties and a high score of 5.07⁶⁴ in the *Countries at the Crossroads*-report (Lloyd, 2010: 1). As already pointed out, South Africa has a constitution that provides a set of comprehensive political rights and civil liberties; more importantly, though, these rights and liberties are generally respected and enjoyed in practice (Lloyd, 2010: 6). In terms of political rights, citizens have the right to: a) form a political party; b) to participate in the activities or to recruit members for a political party; and c) to campaign for a political party or cause (Constitution of the Republic of South Africa, 1996). Furthermore, every adult citizen has the right to vote in elections, to stand for public office and, if elected, to hold office. Elections,

⁵⁹ The human rights indicator assesses the likelihood of a state being accused of serious human rights violations (Mo Ibrahim Foundation, 2010).

⁶⁰ Just take note that scores range from 0, 25, 50, 75 up until 100 (Mo Ibrahim Foundation, 2010).

⁶¹ The lowest score possible is 0.00 while the highest score possible is 1.00 (Agrast *et al*, 2010: 93).

⁶² Equal treatment and absence of discrimination; the right to life and security; due process of law and the protection of the rights of the accused; freedoms of expression, religion, assembly and association; right to privacy; and fundamental labor rights (Agrast *et al*, 2010: 11).

⁶³ Scores are based on a scale of 1 to 7 with 1 representing the highest level of freedom and 7 the lowest level of freedom (Freedom House, 2010).

⁶⁴ Scores in the *Countries at the Crossroads*-report are based on a scale of 0 to 7, with 0 representing the weakest and 7 representing the strongest performance (Lloyd, 2010: 1).

overseen by the Independent Electoral Commission, are judged to generally be free and fair (Freedom House, 2010).

South Africa has a lively civil society and a healthy protest culture that is embedded by the freedoms of association and peaceful assembly (Freedom House, 2010). Freedoms of expression and the press are also protected within the constitution and are generally respected; South Africa scored 77.8 out of 100 for freedom of expression⁶⁵ (Freedom House, 2010; Mo Ibrahim Index, 2010). Even though the country still has a high ranking (2 out of 53 countries) and a high score for this particular indicator, it has fallen drastically in the last two years – in 2008 it fell from a perfect 100 to 88.9 and in 2009 it fell from 88.9 to the current score of 77.8 (Mo Ibrahim Index, 2010). This clearly indicates that freedom of expression is being encroached upon. For instance, it has been found that the government has infringed on the editorial independence of the South African Broadcasting Commission. In 2006, a report found that government critics had been barred from the airwaves and in 2007, various groups, including the Congress of South African Trade Unions (COSATU) and the Freedom of Expression Institute, accused the government of removing unwanted figures at the public broadcaster (Freedom House, 2010). Even though there are various independent and investigative newspapers and magazines that are fiercely critical of powerful institutions and individuals, the ANC and state officials have grown increasingly sensitive and intolerant to media criticism and reporting on corruption (Lloyd, 2010: 5).

Furthermore, while journalists are rarely detained by the authorities, they are subject to pressure from state and non-state actors. Government and ANC-affiliated officials have increasingly been prone to accuse journalists of being racists and of betraying the state (Lloyd, 2010: 5). Blade Nzimande (SACP secretary general and current minister of higher education), for instance, made the following statement: “We have a huge liberal offensive against our democracy... The print media is the biggest perpetrator of this liberal thinking” (Nzimande warns of ‘huge liberal offensive’, 2010). This type of view is held by many within the ANC (including Jacob Zuma). Furthermore, in the aftermath of the 2011 municipal elections, ANC Nelson Mandela Bay chairperson, Nceba Faku, addressed a group of hundred party members

⁶⁵ This refers to what extent freedom of opinion and the press are generally guaranteed and also the extent to which the mass media system provides for a plurality of opinions (Mo Ibrahim Index, 2010).

and incited them to burn down a local newspaper, *The Herald* (Burn down the Herald: ANC leader, 2011). He reportedly made the following inflammatory statements:

“Down with The Herald, down, down. Burn. The Herald. Fire to The Herald. The Herald dictated that Zille and Ngonyama would stand here today and run the metro. The Herald was on the forefront of that... pasop [beware] The Herald, pasop. If you can’t draw the line today... We have to draw the line. We have to go back to the UDF [United Democratic Front] approach. We sacrificed our families, we gave our flesh and blood for the cause of the struggle. Go and burn The Herald. We will face a bullet with a bullet.”

These quotes reveal the ruling ANC’s distrust of media institutions and a growing intolerance of a free and critical press. During the 2007 ANC national conference in Polokwane there was a call for the establishment of a Media Appeals Tribunal to “adjudicate between freedom of speech and an individual’s right to privacy and dignity” (Lloyd, 2010: 5). As said in *Chapter 4*, the ANC’s distrust of media institutions, has led to the vociferous support for the highly controversial Protection of Information Bill and a media tribunal. For instance, the ANC Youth League spokesperson, Floyd Shivambu, voiced the League’s support for a media tribunal with the following statement:

“The establishment of a Media Tribunal is long overdue and has allowed imposters in media, masquerading as Journalists/Editors to undermine the integrity of our organizations and spread lies about their leadership... This therefore calls for an immediate establishment of a Media Tribunal to save our organizations and leadership from repeated attempts to assassinate their characters and sow divisions.”

Even though South Africa still has a good record for upholding fundamental democratic rights, the ANC has shown alarming tendencies in the last few years of encroaching on some of these rights – especially with regards to the existence of a free and critical media. The ruling party’s sensitivity to media criticism, its use of aggressive rhetoric against the press and its attempts to push through the media tribunal and Protection of Information Bill, are disquieting developments for democracy in South Africa.

5.2.2.3 Judicial independence & respect for the judicial process:

Judicial independence and respect for the judicial process, as said earlier, are cornerstones of the rule of law and by extent a democratic regime. So far, South Africa has had a good record for judicial independence; receiving a score of 75 out of 100 in the latest Ibrahim Index of 2009 (Mo Ibrahim Foundation, 2010). Judicial independence is guaranteed by the constitution while the courts – specifically the Supreme and Constitutional Courts – enjoy substantial autonomy and play a vital, if not the most important, role in holding the government accountable (Freedom House, 2010; Alence, 2004: 87). Judicial authority is situated in the courts and the courts' independence is guaranteed by the constitution while it forbids any organ of the state or individual with interfering with the functioning of the courts (de Vos, 2010: 106). In addition to this, the South African President – in contrast to the Zimbabwean counterpart – has very little discretion in relation to the appointment of judges. He or she has to consult with the Judicial Service Commission (JSC) on the appointments of the Chief Justice and Deputy Chief Justice and the President also has to follow the recommendations of the JSC with regards to the appointment of judges to the other courts, including the Constitutional Court (de Vos, 2010: 107).

Furthermore, the judiciary has the power to declare Acts of Parliament invalid if it contravenes the provisions of the constitution; thus, the judiciary “plays a distinctly legal but rather important role in the political process” (de Vos, 2010: 107). The Constitutional Court (CC) in particular has been important in keeping the executive's power in check; in fact, according to Pottinger (2008: 47), the Constitutional Court has been instrumental in strengthening the judiciary at a functionary level. In various judgments, the CC has been able to uphold restraints on the government's actions and force it to comply with constitutional requirements (Alence, 2004; 87). The most notable example of this is the Treatment Action Campaign's (TAC) challenge of the government's policies with regards to the distribution of anti-retroviral (ARV) medication in the early 2000s. In short, the case revolved around the official restriction on the use of the approved ARV-medication, nevirapine (Alence, 2004: 88). The TAC argued that by restricting the appropriate medical use of nevirapine, the government was infringing upon the socio-economic rights – which are guaranteed by the constitution – of the HIV-positive mothers and their babies. The Constitutional Court, in its judgment, ordered the government to allow the use and distribution of the ARV-medication throughout the public

health sector where sufficient HIV testing and counseling facilities were available and also to take reasonable measures in order to extend the availability of these services and facilities (Alence, 2004: 88). This, thus, led to a substantial change in the government's controversial HIV/AIDS-policy – “a change that in most political systems could have been achieved only through the legislative process” (Alence, 2004: 88). Overall, the government generally complies with judicial decisions and cases of non-compliance are due to a lack of capacity and efficiency rather than deliberate disregard of court rulings; in other words, the government has so far respected the judicial process (Rosenberg, 2010: 10). However, in the last few years judicial independence has been placed under increasing pressure by the ANC-regime.

It was especially during the Mbeki-era (1999-2008) that judicial independence came under increasing political pressure. In December 2005, the government introduced a package of bills, including the Superior Courts Bill, which intended to reform Apartheid-era structures and extend more executive control over the judiciary (Rosenberg, 2010: 10). In other words, it would effectively have reduced the power of the judiciary (Pottinger, 2008: 48). The proposed bill gave the minister of justice enhanced powers to the president to appoint acting High and Constitutional Court judges and the minister of justice more power to make decisions. However, this was met by a slew of protest from all over the legal community and rejected by the chief justice and a series of senior judges. At its core, the reason for the proposed bill was the Mbeki administration's ‘irritation’ with independent judges who frequently ruled against the government (Pottinger, 2008: 48). According to Pottinger (2008: 49), the treatment of judiciary by the Mbeki administration has left it vulnerable to abuse by the post-Polokwane incumbents:

“A decade of sniping, obstruction and in some cases subtle intimidation of the judicial arm by ANC Lite had opened the way for an even more virulent and dangerous campaign by ANC Classic to undermine arguably the last remaining uncontaminated bastion of constitutional power. Mbeki was the Trojan Horse by which this was achieved.”

It was the Jacob Zuma corruption case that proved to be the greatest test of judicial independence in South Africa. This case – originally brought up in 2005 – has exposed the

judiciary and prosecutors to various attempts of political interference (Rosenberg, 2010: 10). Between 2006 and 2009, the case was thrown out and reinstated twice and with the second rejection of the charges, it was stated by the judge that there might have been political interference in Zuma's prosecution. In 2008, judicial independence came under severe attack – in June 2008, a complaint was filed against senior High Court Judge, John Hlophe, alleging that he approached two Constitutional Court judges in an attempt to influence the corruption case against Zuma (Freedom House, 2010). The aftermath of this, led to a disconcerting verbal attack on the Constitutional Court by supporters of the Zuma-faction; Gwede Mantashe – the current ANC secretary general – allegedly labeled the jurists “counter-revolutionaries” (Pottinger, 2008: 49). In fact, throughout the whole Zuma corruption case, his supporters launched a full-scale attack on the judiciary. The whole saga, according to Alec Russel (2009: 251):

“...had raised troubling questions about the ruling party's attitude towards supposedly independent institutions. The way that Zuma's supporters and the ANC's senior leaders had treated the judiciary potentially set a worrying precedent, giving the impression that politics could be expected at the last resort to take primacy over the law.”

If this is the case, judicial independence in South Africa will be severely compromised and by extent the rule of law as well.

Furthermore, the appointment of Mogoeng Mogoeng by President Jacob Zuma to the post of Chief Justice of the Constitutional Court has raised great concern for the independence of the judiciary. This especially relates to Mogoeng's record of judgments, his seemingly conservative attitudes regarding gender and sexual orientation and his lack of experience (Mogoeng: Underwhelming exchange, 2011). In addition to this, concern has also been expressed about his personal relationship with President Zuma. The two were introduced by a mutual friend, advocate Khotso Ramolefe, who conveyed his displeasure with Zuma's decision to appoint Mogoeng (Sole, 2011). Ramolefe (in Sole, 2011) stated the following:

"I know them both quite well and, considering the circumstances under which they got to know each other -- with me in the middle -- I am not comfortable, not comfortable at all. There is nothing outstanding that Justice Mogoeng would bring to the office of chief justice. If he were (sic) properly advised, he should decline the nomination, mindful of the man who sits next to him, Deputy Chief Justice Dikgang Moseneke, who is by far better qualified."

In addition to the concerns raised with the appointment of Mogoeng, the ANC and government's views regarding the judiciary is also a cause for concern. For instance, the ANC's secretary general, Gwede Mantashe, launched a verbal attack on the judges of the Constitutional Court, stating that their opposition to the nomination of Mogoeng for Chief Justice was fueled by racism (Courting disaster with the judiciary, 2011). Furthermore, Mantashe also said that the Constitutional Court judges threatened the stability of the ANC-led government while President Zuma expressed his concern with judicial interference in government policy, stating that the executive should be allowed to conduct its affairs without the interference of the courts (Courting disaster with the judiciary, 2011). These views with regards to the judiciary are alarming and could prove to be very problematic for the South African democracy in the future.

So far, the rule of law has been safeguarded with the ANC-regime generally respecting and upholding fundamental democratic rights and judicial independence while there are independent institutions in place to ensure government transparency and accountability. There have been, however, instances where the ruling party's behavior has subtly infringed upon the rule of law – behavior that has been informed by the authoritarian political culture that developed due to the nature of the armed liberation struggle, as discussed in *Chapter 4*.

5.3 Comparison: The rule of law in Zimbabwe & South Africa:

There are vital differences between the two case studies in terms of the rule of law; in Zimbabwe, ZANU-PF has purposefully set out to destroy the rule of law while the ANC has largely been content to rule within the confines of a democratic constitution. In the following

section, Zimbabwe and South Africa will be compared in order to account for the differences and similarities between the two cases.

In terms of government transparency and accountability, there are various differences between Zimbabwe and South Africa. However, an important similarity between the cases is that both parties have gone on to ‘capture the state’ – in other words, both ruling parties have come to dominate the institutions of the state and in both cases, the lines between the party and state have become indistinct. Zimbabwe has a ruling party that is fused with the state and “a party machinery that penetrates the organs of the state” (Bratton & Masunungure, 2008: 42, 43). In South Africa, the lines between the ruling party and the state has become blurred due to the ANC’s policy of cadre deployment which is based on the ANC’s determination to control the state and penetrate all levers of power in society (de Jager, 2009: 283). ZANU-PF, though, has been more overt in its subjugation of the state machinery than the ANC. Furthermore, it has always been ZANU-PF’s aim to establish a one-party state while the ANC has been content to operate within a liberal democratic setting. In addition to this, Zimbabwe does not have independent, democratic institutions to guarantee government transparency and accountability. South Africa, on the other hand, has democratic institutions (the chapter 9 institutions) that are responsible for holding the government accountable and their independence is entrenched in the constitution. The two cases also differ considerably in terms of corruption. For instance, in the Transparency International Corruption Perception Index (CPI) of 2010, Zimbabwe ranked 134 out of 178 countries with a weak score of 2.4⁶⁶ while South Africa received a ranking of 54 and a score of 4.7⁶⁷ (Transparency International, 2010: 2, 3). However, an important similarity in terms of corruption seems to be that both regimes rely heavily on the use of patronage. Furthermore, there seems to be – as Southall (2003: 37) puts it – a ‘culture of entitlement’ amongst the elites of both parties.

The biggest differences come to light in relation to fundamental democratic rights, with Zimbabwe and South Africa displaying vastly contrasting records for this. From early on, the Mugabe regime has violated the fundamental democratic rights of Zimbabwean citizens,

⁶⁶ Scores are based on a scale of 0 to 10 with 0 representing ‘highly corrupt’ and 10 ‘very clean’ (Transparency International, 2010: 3).

⁶⁷ Scores are based on a scale of 0 to 10 with 0 representing ‘highly corrupt’ and 10 ‘very clean’ (Transparency International, 2010: 3).

starting with the Matabeleland massacres of the mid-1980s. As said before, ZANU-PF is infused with a culture of intimidation, intolerance and violence derived from the liberation struggle (Ndlovu-Gatsheni, 2002: 103). It has therefore, on many occasions, reverted to violent repression in order to stay in power and to impose its dominance, in the process destroying citizens' fundamental democratic rights. Subsequently, Zimbabwe has had a poor record for democratic rights in contrast to South Africa where citizens' fundamental rights are guaranteed and protected by the constitution. During the ANC's tenure as South Africa's ruling party, the fundamental rights that are encapsulated in the Bill of Rights have generally been respected, protected and promoted. Importantly, South Africa – in contrast with Zimbabwe – has a more developed and vociferous civil society that plays an important watchdog role in supervising the government's actions. However, the ANC in recent years has shown intolerance towards a free, independent and critical press. Even though Zimbabwe and South Africa differ considerably in terms of this, the ANC's behavior shows similar traits to that of ZANU-PF who has purposefully destroyed freedom of expression and freedom of the press. In terms of judicial independence and respect for the judicial process, the two case studies once again differ considerably from each other.

In Zimbabwe, the judiciary – like most state institutions – has merely become an instrument in the hands of the ZANU-PF-regime while in South Africa the judiciary plays a vital role in holding the government accountable (Alence, 2004: 87; Bratton & Masunungure, 2008: 46). Judicial independence has been virtually destroyed in Zimbabwe by the Mugabe regime through a campaign of patronage, verbal attacks and violent intimidation. In South Africa, on the contrary, judicial independence has been upheld and is entrenched in the constitution. However, in recent years and especially with the Zuma-corruption case, judicial independence has been put under pressure with the behavior of the ANC raising “troubling questions about the ruling party's attitude towards supposedly independent institutions” (Russel, 2009: 51). In terms of respect for the judicial process, the ZANU-PF-regime has a long history of simply ignoring or overruling court orders and judicial decisions, starting almost immediately after Mugabe came into office in 1980 (Vivian, 2006: 3). This continued throughout his reign and intensified in the post-2000 era. In contrast, the ANC-government has generally complied with judicial decisions – even the ones that have gone against the government.

The comparison of the three indicators shows that Zimbabwe and South Africa differ noticeably with regard to the rule of law which, as already mentioned, is an important feature of a democratic regime. Therefore, despite the fact that both ruling parties are former liberation movements and therefore share a few similarities – as pointed out in *Chapter 4* – the behavior of ZANU-PF has led to the disintegration of democratic institutions while the ANC's reign (so far) has not.

5.4 Conclusion:

The rule of law, as this chapter has indicated, is a vital factor needed for democratic consolidation; in fact, it is one of the defining features of a democratic regime. It is the essential element of a constitutional government, or in other words, a limited government (Martin, 2006: 239). This entails that every state organ and government institution has to operate within the limitations imposed upon it by the law and the constitution. However, liberation movements not only fought against oppressive white-minority regimes, but also against the unjust legal systems that these regimes were based on. In the post-liberation era, therefore, these movements – in addition to transforming into ruling parties – were now expected to act within the confines of a constitution and to respect the law as the highest authority in society; values that had been alien to them during the liberation struggles. Therefore, adherence to and respect for the rule of law may prove problematic for these liberation movements who have become ruling parties because: "...the ruling elites of southern Africa have shown that their chief concerns are with self-interest and retention of power, and constitutionalism counts for little by comparison" (Good, 2003:7).

The two case studies were discussed and compared by looking at some of the most important features of the rule of law, including: government transparency and accountability, fundamental democratic rights and judicial independence and respect for the judicial process. It has been found that Zimbabwe and South Africa differ greatly in terms of these indicators – in Zimbabwe, the rule of law has virtually been destroyed over the course of three decades while in South Africa it has so far been upheld. However, in both cases, there is a blurring of state-party lines and both ruling parties show tendencies towards corruption, patronage and a disdain for other centers of power. In Zimbabwe, though, the situation is much more severe than in South Africa. ZANU-PF's behavior as ruling party has been the greatest contributor to

the destruction of the rule of law while the ANC, on the other hand, has been forced to act within the liberal democratic confines of constitutionalism and therefore respect the rule of law. Thus, despite the fact that ZANU-PF and the ANC both have a liberation struggle history and share a few traits because of this, their behavior as ruling parties differ largely due to the context in which they find themselves in.

Chapter 6

Conclusion

6.1 Introduction:

The purpose of this study – as set out in *Chapter 1* – has been to ascertain how democratic consolidation has fared in Southern Africa, more specifically how it has fared in countries with liberation movement governments. There have been various studies that have investigated liberation struggles, but few that have gone on to study the effects of liberation movement governance on democratic rule and survival in Southern African states. Furthermore, there have been few comparisons in this regard. Therefore, this study set out to investigate the effects of liberation movement governance on democratic consolidation by using Zimbabwe and South Africa as case studies. In this descriptive study, the two cases were compared by looking at the following: the respective liberation struggles and transitions to majority rule; the respective political cultures that have shaped the behavior of ZANU-PF and the ANC; and, most importantly, how their conduct as ruling parties has affected the rule of law, a factor vital for democratic consolidation. The following sections will provide the summary of the findings, the key deductions that can be made and also for possible future research.

6.2 Summary of findings:

Democratic consolidation, one of this study's key concepts, is a complex process that involves various different factors and conditions. Various prominent scholars (Schedler; Linz & Stepan; Leftwich; Beetham) have studied democratic consolidation, attempted to provide definitions for it and determine what factors are important for it to take place. The definition put forward in this study is that democratic consolidation essentially refers to the entrenchment of democratic rule or, in other words, the process of making democracy 'the only game in town'. In addition to this, it refers to the widespread acceptance of democratic rules, procedures, practices and institutions as the norm and the rejection of non-democratic forms of government. In this process of democratic consolidation, various factors are needed for a democracy to become entrenched, ranging from institutional, economic and social factors. Thus, we are able to measure democratic consolidation by looking at these factors.

For this study, the rule of law – an institutional factor – was chosen to determine how democratic consolidation has fared in countries with liberation movement governments.

The other key concepts were liberation struggles and liberation movements. There is a general consensus amongst various scholars (Southall 2003; MacFarlane 1985; Dorman 2006; Ntalaja 1979) that a distinction can be made between the decolonization process of the 1950s/1960s in Africa and the armed liberation struggles that were waged by liberation movements during the 1970s onward. According to Southall (2003: 30, 31), there have been two waves of liberation – the first one corresponds with the decolonization process of the 1950s/1960s and the second one refers to the armed struggles in Southern Africa during the latter part of the twentieth century. The so-called ‘second wave of liberation’ was the focus of this study, along with the liberation movements that spearheaded these struggles. Liberation movements – such as ZANU⁶⁸ and the ANC – refer to political actors who were engaged in armed conflicts against oppressive, white-minority regimes; specifically settler-regimes in Southern Africa. It was found that liberation movements are not merely political parties focused on winning electoral support, but are groups focused on the radical transformation of society and the social order – a social order that they deem to be illegitimate. Furthermore, liberation movements have fought for the political, social, cultural and economic emancipation of indigenous peoples present in these countries. It is, however, important to point out here that ZANU and the ANC were not the *only* organizations that formed part of the liberation movements in Zimbabwe and South Africa respectively; there were various other organizations who were also engaged in a struggle against the respective minority regimes. In both cases, ZANU and the ANC have appropriated the status of being the leaders of their respective liberation struggles.

Both ZANU and the ANC were engaged in protracted armed liberation struggles against oppressive white-minority, settler regimes. Furthermore, early during the course of the respective liberation struggles, both movements were banned by the white-minority regimes and forced into exile; it was found that exile politics played an important role in shaping the political cultures of both movements. An important difference, however, is the evolution of

⁶⁸ Before 1980, ZANU did not add the Patriotic Front to its name and was simply known as the Zimbabwe Africa National Union.

the respective liberation struggles. The ANC – established in 1912 – initially attempted peaceful, non-violent forms of resistance against the Apartheid-regime before resorting to military tactics in the 1960s (McKinley, 1997: 18). ZANU, however, immediately after its establishment in 1963 went on to launch an armed struggle against the Ian Smith regime (Gibson, 1972: 15). Furthermore, the two movements were supported by different superpowers – ZANU received assistance from China, while the ANC received support from the Soviet Union. This superpower support had a great impact on the internal dynamics, goals and ideological convictions of the liberation movements; all of which contributed to their behavior during and after the liberation struggles. In fact, the Cold War politics of the time and the geopolitical context played a major role in liberation struggles throughout Southern Africa – the Portuguese revolution of 1974 and the emergence of black regimes in Mozambique and Angola had a powerful influence on the events in both Zimbabwe and South Africa (Kössler, 2010: 34).

The context in which the transitions to majority rule took place, has proven to be an important explanatory difference between the two case studies. In Zimbabwe, the transition to majority rule took place in the 1980s when Cold War-politics was still prominent. During this time, there was little concern from Western superpowers with the establishment of liberal democratic regimes in Southern Africa and rather concern with regards to the strategic importance of states in this superpower rivalry. South Africa, in contrast, made its transition to majority rule in 1994 in the wake of the Third Wave of democracy and during renewed international focus on good governance, democracy and human rights. In both cases, however, the liberation movements were forced to make vital concessions during the negotiated settlements with the minority regimes in order to ensure peaceful transitions to majority rule. Dorman (2006: 1087) makes the important point that:

“...none of these countries (Zimbabwe, Namibia and South Africa) can be considered to have gained independence as a result of military victory. The combined effect of ‘bush war’ and international pressure led to multi-racial elections and the negotiated removal of settler rule.”

In having said that, ZANU came closer to overthrowing the Smith regime than the ANC came to overthrowing the Apartheid government; therefore “ZANU entered negotiations in a much stronger position than did the ANC in its turn, as witnessed by the constitutional provisions for compulsory coalition government which the latter was obliged to accept” (Phimister, 1995: 89). However, in both cases many of the gains of the liberation struggles were diluted into political compromises.

In Zimbabwe, the negotiations took place over a short period of three months and lacked popular participation; in fact, the Lancaster House Agreement was nothing more than a pact between political elites:

“The Lancaster House Agreement served to underscore the divergence in the interests of the nationalist leadership on the one hand and the broad masses of the people on the other. To the masses of Zimbabwe, the national liberation war was being waged for the attainment of self-determination and full democratic rights whilst for the nationalists, the war was essentially a pressure mechanism to induce political negotiations for the transfer of power to them,” (Mhanda, 2005: 3).

In South Africa, the negotiations that would lead to the transition to democracy were far more inclusive and extensive, spanning over a period of three years. The negotiation process included multiple political parties and as civil society organizations, thus the transition as well as the constitution that emanated from this process has come to enjoy broad-based legitimacy. The negotiated settlements would come to have an important impact on the type of regimes that developed in Zimbabwe and South Africa respectively and also serve as a possible reason why the two cases differ.

The liberation struggles that ZANU and the ANC were engaged in produced a particular political culture within each movement. The exposure to prolonged violence and state oppression has inclined liberation movements to “a particular type of politics, self-conception and relationship with other organizations and the people or nation as a whole” (Suttner, 2004: 2). It has been pointed out by various scholars (Southall, 2003; Gumede, 2007; Melber, 2010) that the political culture that drives liberation movements, seem to exhibit anti-democratic

tendencies. In this study, ZANU-PF and the ANC were discussed and compared by looking at four features that shaped their political cultures, including: organizational structure and hierarchy, ideological inputs, the exposure to and use of violence and intolerance of opposition.

In terms of organizational structure and hierarchy, it was found that the movements differ considerably from one another. The ANC had greater internal diversity than ZANU because it was a more broad-based organization and represented a wider variety of interests (Deegan, 2001: 28). It has to be kept in mind that the ANC was established in 1912, while ZANU was only established in 1963. Therefore, the ANC had gone through various periods of change and *evolved* from a non-violent mass organization into an armed liberation movement while ZANU immediately organized itself into a militarized movement. Another vital difference between the two movements has been leadership. While ZANU has had Robert Mugabe as its leader since 1977, the ANC has had various different leaders and centers of power throughout its existence. The ANC's leaders of the 1950s and 1960s have retired by choice – unlike ZANU-PF's case where it is still being led by one of its founding leaders (Gottschalk & Maphai, 2003: 61). Even though leadership change has not occurred without internal conflict or hostility – as witnessed in the 2007 leadership race – it does show that as an organization the ANC does at least accept leadership change in contrast to ZANU-PF that has continued to operate under the authoritarian leadership of Robert Mugabe.

Ideological influences have played a big role in the respective liberation movements' behavior. The ANC, due to its broad church character, was influenced by a variety of different ideological influences ranging from Christian liberalism, African nationalism to socialism. ZANU-PF, on the other hand, was influenced by predominantly two ideological traditions: African nationalism and socialist ideology. A very important piece of information that has to be taken into account is that the ANC has a liberal democratic heritage that ZANU-PF lacks. Both movements, however, have been greatly influenced by Marxist/Leninist/Maoist thought – the ANC had a close relationship with the Soviet Union through the South African Communist Party while ZANU-PF associated itself with the People's Republic of China. Due to this ideological influence, the ANC was hierarchically structured with a tendency to centralize decision-making (de Jager, 2009: 278). ZANU structured itself along the lines of

China's communist party, complete with a Politburo and Central Committee. Finally, there also seems to be an important similarity between ZANU-PF's desire to create a one-party and the ANC's determination to extend its power over all areas of South African society via the National Democratic Revolution. These tendencies in both cases have frequently revealed themselves in the ruling parties' behavior.

The violence that characterized the liberation struggles had a profound impact on the liberation movements that were exposed to and used it. Both movements were exposed to prolonged periods of state violence and repression; the ANC more so however. It was involved in an armed struggle against the Apartheid-regime from the 1960s up until 1990 while ZANU launched its armed struggle in the 1960s and ended it by the late 1970s. However, a major difference between Zimbabwe and South Africa is that in the post-liberation eras ZANU-PF continued to employ violent means in order to retain power whereas the ANC has operated within the democratic confines as set out by the constitution. Throughout the course of the respective armed struggles, both ZANU and the ANC were engaged in violent rivalries with other organizations. These rivalries would translate into hostility towards opposition in the post-liberation dispensations, especially in Zimbabwe.

Both movements, due to the experiences of the liberation struggles, have revealed a particular hostility towards any form of opposition. Both ruling parties display the conviction that they are the only legitimate representatives of 'the people'; in other words, they are the only legitimate parties that are allowed to be in power. In Zimbabwe, this hostility and intolerance have been more pronounced with ZANU-PF blatantly attacking opposition parties and civil society actors that have threatened its position of power. In South Africa, the ANC has merely viewed opposition groups as annoyances and obstacles to transformation and despite this, it has tolerated the emergence of opposition parties and critical civil society actors, not infringing on their rights to exist and operate freely.

This study follows the premise of studies in political behavior that actors' attitudes impact their behavior or actions which in turn impacts democratic institutions and eventually affects democratic stability. In other words, ZANU-PF and the ANC's political cultures have influenced their behavior as ruling parties. This, in turn, has impacted the rule of law and

eventually affects democratic stability. The goal of this study has been to determine what the impact of liberation movement governance has been on democratic consolidation. It was pointed out in *Chapter 2* that democratic consolidation is a complex process that can be measured by looking at a variety of factors. The rule of law was the factor chosen to measure how democratic consolidation has fared in Zimbabwe and South Africa. It is contrasted to the ‘rule of men’ and related to the concept of limited government; this entails that every government institution and state organ has to operate within the limitations that the constitution imposes (Rosenfeld, 2001: 1313; Martin, 2006: 239). Furthermore, this is closely associated with the idea of a *Rechtsstaat* – a state of law or a state subject to the law – that means that the government and the apparatus would be subject to the law, that discretionary powers would be limited and that citizens could turn to the courts in order to protect themselves from the state (Linz and Stepan, 1996: 19). In this study, the effects of ZANU-PF and the ANC’s conduct on the rule of law were determined by looking at the following factors associated with the rule of law, namely: government transparency and accountability; fundamental democratic rights; and judicial independence and respect for the judicial process. These were the most appropriate factors to help determine what the effects of liberation movement governance are on the rule of law and by extent democratic consolidation. It is important to keep in mind that this study’s focus has primarily been on the conduct of the ruling liberation movements. Therefore, the factors that were chosen to discuss could directly be directed back to the behavior of ZANU-PF and the ANC.

One of the most important findings has been that both ruling parties have gone on to ‘capture the state’ – both ruling parties have extended their control over the apparatus of the state. This can be related back to ZANU-PF’s desire to establish a one-party state and the ANC’s project of transformation, taken together with its cadre deployment policy and the National Democratic Revolution (NDR). In both cases, the line between party and state has been blurred with systems of patronage and corruption making government transparency and accountability difficult. However, the situation in Zimbabwe is much more severe than in South Africa due to the fact that ZANU-PF has been much more overt in its subjugation of the state than the ANC. South Africa also possesses various independent institutions to address corruption and to scrutinize the government’s actions, whereas in Zimbabwe there are no such

functioning institutions. Furthermore, corruption is far more prevalent in Zimbabwe than in South Africa with the two countries differing significantly in terms of corruption rankings.

Probably the key difference between the two regimes has been in terms of fundamental democratic rights with Zimbabwe and South Africa displaying contrasting records for this. From early on, the Mugabe regime has displayed a callous disregard for citizens' rights, often reverting to violent repression in order to impose its authority. ZANU-PF, as a result of the liberation struggle, has been instilled with a culture of violence and intolerance that permeated through to its behavior as Zimbabwe's ruling party. As a result, fundamental democratic rights have been destroyed. In South Africa, in contrast, the ANC has respected fundamental democratic rights; this is largely due to the robust protection that democratic rights receive in the country's constitution which was the result of a long negotiation process that included multiple actors. In recent years, however, the ANC has shown an increasing intolerance towards a free and critical press, showing similar traits to that of ZANU-PF who has gone to destroy the existence of a free press. But, other than that, the two case studies differ significantly with regards to democratic rights.

Another, and vital, disparity that was found between the case studies is related to judicial independence and respect for the judicial process. In Zimbabwe, the judiciary's independence has been completely obliterated through a combination of patronage, verbal attacks and violent intimidation. In fact, it has – like most state institutions – merely become an instrument in the hands of the ZANU-PF-regime (Bratton & Masunungure, 2008: 46). Furthermore, it was found that the Mugabe regime has been prone to violating the judicial process; in other words, it has on various occasions ignored or simply overruled judicial decisions. This only worsened in the post-2000 era after the controversial land reform policy was launched. In contrast, judicial independence in South Africa is entrenched and guaranteed by the constitution and has generally been upheld and respected by the ANC-regime. However, recent years' events, such as the Jacob Zuma corruption case, have put judicial independence under pressure and the behavior of the ANC has caused some alarm. In having said that, the ANC-regime has throughout its tenure as South Africa's ruling party so far respected judicial decisions, generally complying with court rulings – even those rulings that have gone against the government. From the above-mentioned evidence, it is clear that

Zimbabwe and South Africa differ significantly in terms of the rule of law. Simply put, in Zimbabwe the rule has broken down due to ZANU-PF's conduct as Zimbabwe's ruling party while the rule of law is still intact in South Africa and largely respected and upheld by the ANC-regime.

6.3 Key deductions:

This study was, firstly, born out of the interest to understand how democracy has fared in countries with liberation movement governments. Furthermore, it was born out of the desire to understand how the experiences of the liberation struggles have shaped liberation movements such as ZANU-PF and the ANC and how the particular culture that has developed within these movements, has affected their behavior as ruling parties – specifically ruling parties within the confines of a democratic regime. Therefore, the central question that guided this study was as follows:

“What has been the impact of liberation movement governance on democratic consolidation in Zimbabwe and South Africa?”

This was narrowed down to two central sub-questions:

“What has been the impact of ZANU-PF's conduct – as Zimbabwe's ruling party – on the rule of law?”

“What has been the impact of the ANC's conduct – as South Africa's ruling party – on the rule of law?”

The assumption was that, due to the particular political culture that has developed within movements such as ZANU-PF and the ANC, liberation movement governance would have a negative effect on democratic consolidation. This was examined by looking at how ZANU-PF and the ANC's behavior as ruling parties have affected the rule of law, a central feature of democratic consolidation. It was already reiterated in the previous section that the two case studies differ considerably in terms of the rule of law. Simply put, in Zimbabwe, the rule of law has disintegrated under ZANU-PF's rule while the rule of law in South Africa has so far

been upheld under the ANC's reign. It can also then be concluded that the two case studies have fared very differently in terms of democratic consolidation. In Zimbabwe, democracy has crumbled, largely due to ZANU-PF's behavior as ruling party. In South Africa, democracy still survives and is relatively strong under the ANC's reign. However, the ruling ANC has shown alarming and distinctly anti-democratic tendencies that may prove detrimental to democracy in the long run.

The ANC and ZANU-PF have both exhibited an authoritarian political culture, a desire to capture the state, tendencies towards centralization of power and the delegitimation of opposition. However, perhaps the key explanation for the protection of the rule of law in South Africa and the disintegration thereof in Zimbabwe has less to do with the political culture than other factors. In the case of Zimbabwe, it can be argued that there was not a sufficient system of checks-and-balances in the form of the constitution, independent state institutions, opposition parties or civil society actors to hold ZANU-PF accountable. In South Africa, on the other hand, the ANC has been constrained and required to operate within a liberal democratic framework due to a sufficient system of checks-and-balances in the form of a strong constitution, relatively independent state institutions and a lively civil society, especially a robust media. Another vital difference between the two case studies is the contexts in which Zimbabwe and South Africa transitioned from minority to majority rule. In Zimbabwe, the transition to majority rule took place in 1980 during the Cold War when very little attention was given to democracy or values such as human rights. This allowed ZANU-PF to perpetrate human rights violations without fear of international reprimand and also to pursue its desire to establish a one party state. In South Africa, in contrast, the transition to majority rule took place during the 'third wave of democracy' when there was a renewed focus on democracy and human rights.

It remains to be seen whether South Africa will follow a similar path to that of Zimbabwe. It is, however, clear that ZANU-PF and the ANC as organizations differ significantly and this discrepancy may be the greatest reason *why* democracy has wilted in Zimbabwe, but has so far survived in South Africa. However, the watershed moment for Zimbabwe occurred in 2000 with the ZANU-PF's loss in the constitutional referendum. After this, the rule of law disintegrated in Zimbabwe and democracy faltered. In South Africa such a defining moment

has not yet occurred – the ANC’s democratic credentials are yet to be tested like this. Therefore, the future of democracy is still uncertain even though in comparison with Zimbabwe, the prospects of democratic survival seem to be more positive. In conclusion then, it is not possible to claim that liberation movement governance *in general* negatively affects democratic consolidation. The evidence has shown that this has definitely been the case in Zimbabwe, but so far not in South Africa.

6.4 Prospects for future research:

In terms of these two case studies and the topic that has been investigated, there are various possibilities for future research. Firstly, there seems to be a tendency for states with liberation movements as ruling parties to develop dominant party systems. This particular topic needs further investigation, specifically what the reasons are for this and also how these dominant party systems affect democracy. In terms of the two case studies, there is also scope to do further research in terms of the role of leadership and what the effects of this have been. Another interesting topic that warrants further investigation with regards to Zimbabwe and South Africa is the issue of ethnic politics. It has been well documented that ethnicity played a major role in Zimbabwean politics – especially in the rivalry between ZANU-PF and ZAPU and also in the Matabeleland massacres of the mid-1980s. In South Africa, on the other hand, the issue of ethnicity has largely been ignored by scholars. However, Anthony Butler (2011), has pointed out that ethnicity may well have emerged as an important factor within the ruling party and that it may even be an issue that could split the ANC during the party’s next national conference in 2012. He argues that Jacob Zuma’s ethnicity (Zulu) and the vast amount of support he enjoys in Kwazulu-Natal – a province with a mostly Zulu population – may be decisive for the ruling party. The reason for this is that ANC’s provincial delegation from Kwazulu-Natal will be the largest one at the 2012 conference and are most likely to support Jacob Zuma because he is a Zulu. If Butler’s assertions are correct, the issue of ethnicity and ethnic politics should be a topic of future investigation.

Furthermore, greater in-depth research needs to be done with regards to the impact that the regional and international contexts have had on both cases; in particular in relation to the respective liberation struggles and also with regards to developments in the post-liberation periods. With regards to democratic consolidation, Zimbabwe and South Africa, in this study,

were only compared in terms of the rule of law. There are many other factors that play an important role in democratic consolidation, for example socio-economic factors, the existence of a lively civil society and also the presence of various, competing political parties – the two case studies can also be further investigated by looking at some of these factors. There is still a variety of research possibilities with regard to Zimbabwe and South Africa.

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