



# Comparative Politics:

## An African Viewpoint

*Theory and Select Country Studies*



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## CHAPTER 12

**Politics in South Africa**

DURUJI, MOSES M.'

FAITH OSASUMNEN OLANREWAJU

and

LADY AJAYI ADAINA

**1. Bio-Data of South Africa**

a.	Population	50,586,757
b.	Size of territory	1,219,090 square kilometres
c.	Year of Independence	1994
d.	Year of Current Constitution	1997
e.	Current President	Jacob Zuma (assumed office May 2009)
f.	Languages	IsiZulu 23.8%, IsiXhosa 17.6%, Afrikaans 13.3%, Sesotho sa Leboa 9.4%, English 8.2%, Setswana 8.2%, Sesotho 7.9%, Xitsonga 4.4%, siSwati 2.7%, Tshivenda 2.3%, isiNdebele 1.6%, Other 0.5%
g.	Religion	Christian 79.8%, Islam 1.5%, Judaism 0.2%, African Traditional Religion 0.3%, Hinduism 1.2%, Other 0.6%, No Religion 15.1%, Undetermined 15.1%
h.	System of Government	Presidential

Source: South African Government, 2011

**2. Historical Origins and Development**

South African history has been characterized by discrimination, violation of human rights, apartheid, struggles for freedom, migration, and conflict between and among ethnic and racial groups amongst other issues. When the Portuguese arrived at the Cape, they showed little interest in colonisation and they encountered little competition

along their trade route in the region until the British and Dutch arrived in the late 16th century. It was the expiditory adventure of the Dutch company Vereenigde Oostindische Compagnie, (VOC) under the command of Jan van Riebeeck which on reaching Table Bay on 6 April 1652, decided to establish a permanent settlement at the Cape of Good Hope now Cape Town with no intention of colonising the area. Instead they wanted to establish base camp where passing ships could get shelter, refreshments and necessities like vegetables (Tritton, 2000:992-993). To solve this problem of the supplies of necessities, a small number of Dutch were permitted to establish farms and supply the proceeds to the settlements of the Dutch. The success made owning farms very attractive. The Dutch related with the neighbouring Khoikhoi out of necessity and forcefully occupied their lands leading to a number of major wars and guerrilla resistance movements that continued into the 19th century. The conquest of the VOC, made the Khoikhois that survived after the wars source of wage labour for the Dutch in an exploitative arrangement that was not different from slavery. Also, other slaves were imported from Madagascar, Indonesia and India as labour in 1700. By 1662, the *White* race were already developing a colony.

As the 18th century drew to a close, Dutch mercantile power began to fade and the British occupied the Cape of Good Hope in 1795 after the defeat of the Dutch militia at the Battle of Muizenberg (Tritton, 2000). By the time British rule set in around 1795, the socio-political foundations of colonialism were already firmly laid. The improving relations between Britain and Napoleonic France, and its vassal state the Batavian Republic at that time, led Britain to return the Cape colony to the Dutch Batavian Republic in 1803 under the terms of the Treaty of Amiens. However, the Dutch conquered and annexed it in 1806 following their victory in the Battle of Blaauwberg. The Dutch farmers' resentment of the 1833 abolition of slavery made about 10,000 Boers (Dutch farmers) trekked inland for independence between 1836 and 1838. This is known as the Great Trek (Tritton, 2000:992-993).



The discovery of diamonds at Kimberley in 1867 and gold in the Transvaal in 1884, led to Mineral Revolution and a rapid increase in immigration of fortune seekers from all around the globe. Apart from the other migration problems, it also bred instability and fuelled the rise of Cecil Rhodes who was an ambitious colonialist (Tritton, 2000:992-993). Different ethnic groups struggled over the control of the areas and resources. Britain quickly stepped in and resolved the issue by annexing the area for itself. The struggle to control these important economic resources was a factor in relations between Europeans and the indigenous population and also between the Boers and the British. Long-standing Boer resentment turned into the two Anglo-Boer Wars. On 31 May 1902, a superficial peace came with the signing of the Treaty of Vereeniging. Under its terms, the Boer acknowledged British sovereignty.

During the Dutch and British colonial years, some legislation had to be enacted to control the settlement as well as the movement of native people. These include: the Native Location Act of 1879, Franchise and Ballot Act (1892), the Natal Legislative Assembly Bill (1894), the General Pass Regulations Bill (1905), the Asiatic Registration Act (1906), the South Africa Act (1910), the Natives in Urban Areas Bill (1918), the Urban Areas Act (1923), the Colour Bar Act (1926), the Native Administration Act (1927), the Native Land and Trust Act (1936) which complemented the Native Land Act (1913), the Representation of Natives Act (1913) among others. These legislations were discriminatory in nature and an assault on human rights and dignity of man. The oppressed indigenous population reacted to them and resisted colonial rule leading to years of negotiation that ultimately brought about the South Africa Act 1909 which created the Union of South Africa. However, despite campaigns by Blacks and other people of Colour, the voter franchise remained as it was in the pre-Union republics and colonies leaving the whites to control parliament. There was no place for Blacks in the new union as they denied franchise, despite the fact that they constituted over 75 percent of the population. The Union's other oppressive legislation included the illegality of black workers strike actions, the reservation of skilled jobs

for whites, barring of blacks from joining the military. Others are the 1949 Mixed Marriages Act and the 1950 Immorality Act service among others. Oppositions began to coalesce against the Union government, and leading figures such as John Jabavu, Pixley ka Isaka Seme, Mahatma Gandhi, Walter Rubusana and Abdullah Abdurahman laid the foundations for new political groups not based on tribal sentiments to represent the interests of blacks, and to ensure that their voice is heard in the Union. One of such groups was the South African Native National Congress which later became known as the African National Congress (ANC). In 1912, the Nationalist Party was formed by the Boers to championed Afrikaner interests. By 1924 the NP, under Hertzog, came to power in a coalition government with the Labour Party and in 1931 the Union was granted independence from the United Kingdom with the passage of the Statute of Westminster.

By 1948, Daniel Malan came to power under the umbrella of the National Party and strengthened the racial segregation that had already begun under Dutch and British colonial rule. The Black majority remained disadvantaged by almost every standard. Most of the historical issues of this period revolved around violent conflict, frustration, segregation, assassination, forced disappearances, violation of human right and the militarisation of the society among other features that by mid-1987 hundreds had died by the hands of state institutions like Police, State Sponsored Vigilante Group and Army Death Squads (Laurence, 1990: 30; *Truth and Reconciliation Commission of South Africa Report*, 2003:584; Tritton, 2000:13). The attacks were then falsely attributed by the government to factional violence within the communities. Some of the leading campaigners for the abolition of apartheid like Steve Biko were killed, Archbishop Tutu was harassed and Nelson Mandela was sentenced to life imprisonment. The government also implemented the Terrorism Act that emphasised indefinite detention without trial and strictly controlled the media (Leonard, 1983).

Internally, organisations and groups opposed apartheid using strikes, march pasts, protests, sabotage by bombing and other means. For instance in 1950 when the entire population was classified by race,



Group Areas Act segregated blacks and white, ANC responded with campaigns of civil disobedience (Tritton, 2000:992-993). The struggle for freedom reached its peak in the 1970s and 80s. A notable feat during this period was the adoption of a new Constitution in 1983. It made provision for the creation of a tri-cameral parliament which was meant to co-opt coloureds and Indians into the national parliament in separate houses, each group dealing with their own affairs. The African majorities were nevertheless completely excluded from this arrangement, and their political views were only heard in black local authorities in their townships as citizens of independent homelands or self-governing territories. This period also saw the rise of the United Democratic Front which identified itself with the African National Congress (Jagwanth, 2002:8).

In the international terrain, anti apartheid movement sprang up in many countries. During 1960s and 70s when calls for international sanctions especially boycotts of sporting and cultural links became loud. In 1961 South Africa was forced to withdraw from British Commonwealth because of apartheid. In the 1980s advocates of sanctions extended them into trade and finance.

South Africa reacted to these pressures by first abolishing some of the apartheid laws like the ban on interracial marriages, and the pass laws, which restricted the movement of non white. Secondly, it sought to replace the term 'apartheid with plural democracy'. In 1989, President Fredrick de Klerk permitted anti apartheid demonstration (Tritton, 2000:13). By 1990, the National Party government of president de Klerk lifted the embargo on African National Congress, Pan Africanist Congress and other anti-apartheid political organizations. He also released Nelson Mandela in 1990 and in addition, talks began between the government and anti-apartheid political organization and by 1991, de Klerk repealed remaining apartheid laws, makin way for more sanctions imposed on the regime to be lifted.

Multiracial elections held for the office of president and new non racial assembly in April 1994 led to the emergence of Nelson Mandela as the first black President on 9 May 1994 bringing about a new era in South Africa. The post apartheid era has been full of reforms aiming at



change and progress. The Parliament enacted a new Constitution and Bill of Rights in 1996. The ANC also initiated a system of "black empowerment" that favoured black employment and required the transfer of some of the white owned businesses including mining companies to black ownership. Mandela was succeeded by Thabo Mbeki (Tritton, 2000:992-993). Kgalema Petrus Motlanthe took over briefly after Mbeki's resignation following his defeat at the ANC congress in Pokolowe and on 29 May 2009 the incumbent Jacob Zuma became president. It is salient to mention that the politics of the post segregation era has been dominated by just a single party- the ANC.

### **The People and Culture of South Africa**

South Africa is referred to as the rainbow nation, which epitomises the country's cultural diversity. The population is one of the most complex and diverse in the world and the most ethnically diverse nation with the largest white, Indian, and racially-mixed communities in Africa. Most of the population, trace their history to immigration. The South African population consists of the Nguni (comprising the Zulu, Xhosa, Ndebele and Swazi people); Sotho-Tswana, who include the Southern, Northern and Western Sotho (Tswana people); Tsonga; Venda; Afrikaners; English; coloured people (are products of the mixed marriages with slaves from Madagascar, East Africa and the then East Indies); Indian people; and those who have immigrated to South Africa from the rest of Africa, Europe and Asia and who maintain a strong cultural identity. The Khoi and the San also live in South Africa. There are therefore various cultures in South Africa. They are the Afrikaans, the coloured, Zulu, Sotho, Xhosa, Indian, Indian cultures. In South Africa, the black are the majority and are often divided into four major ethnic groups, namely Nguni, Sotho, Shangaan-Tsonga and Venda. Statistically, 79% are black African, 9.6% white, 11.4% other. There are eleven official languages in addition to these there are eight other officially recognised languages. The economy of South Africa is the largest and best developed on the continent.

According to the constitution everyone has the right to freedom of conscience, religion, thought, belief and opinion. Almost 80% of

South Africa's population follows the Christian faith. Other major religious groups are the Hindus, Muslims, Jews and Buddhists. A minority of South Africa's population do not belong to any of the major religions, but regard themselves as traditionalists of no specific religious affiliation (RSA 2012).

### **3. Governmental Structure/Institutions**

Multi-party negotiations between the major political organizations occurred in 1992 and 1993 during which a two-stage transformation phase from apartheid was agreed upon. The interim phase began with the passing of the Constitution of the Republic of South Africa of 1993. This was known as the Interim Constitution, and it had a number of power-sharing mechanisms to protect minority rights (Cameron, 2010). It consisted of three levels of government: national, provincial and local.

The interim phase was a stepping stone towards the final Constitution (RSA, 1996) which was shorn of power-sharing provisions. The final Constitution made provision for a three-sphere system of government; namely: national, provincial and local, which are distinctive, interdependent and interrelated. There are currently nine provincial governments and 283 local governments (DCGTA, 2009). The principle of cooperative governance in the final Constitution underpins intergovernmental relations. The shift from the term 'level' to that of 'sphere' is meant to indicate a non-hierarchical system of intergovernmental relations. All spheres of government observe and adhere to the principles in the South African post-apartheid constitution. Each of the spheres of government conducts their activities within the parameters of the principles of co-operative government and intergovernmental relations. Even though South Africa is not a federal state, this system operate a form of quasi federal characterization through the fostering of friendly relations; assisting and supporting one another; informing one another of, and consulting one another on, matters of common interest; coordinating their actions and legislation with one another; adhering to agreed procedures; and avoiding legal proceedings against one another (Marais, 1989). In



the case of intergovernmental dispute, every reasonable effort must be made to settle the dispute by means of mechanisms and procedures provided for that purpose, and must exhaust all other remedies before it approaches a court to resolve the dispute. But the court must be satisfied that this mechanism has been met before it can get involved otherwise such is referred back so that the process would be explored fully (Picard, 2005). Parliament consists of the National Assembly and the National Council of Provinces (NCOP) representing provincial interests. The legislative authority of a province is vested in the elected provincial legislature. Provinces can pass legislation with regard to any matter within a functional area listed in Schedule 4 (Functional Areas of Concurrent National and Provincial Legislative Competence) and Schedule 5 (Functional Areas of Exclusive Provincial Legislative Competence) and other matters assigned to provinces by national legislation. These Schedule 5 provincial functions are largely not significant in nature. A highly advanced Bill of Rights forms the cornerstone of the Constitution (RSA 1996).

The Constitutional Court is the highest court in all constitutional matters and has the power to decide intergovernmental disputes

### **Legislative Branch**

In South Africa there are ten legislatures, the national legislature (Parliament) and nine provincial legislatures. These legislatures function autonomously and co-operatively within the framework provided by the South African Constitution, particularly section 3 which outlines the obligations of co-operative governance (Smith, 2003).

Parliament has two Houses: the National Assembly and the National Council of Provinces (NCOP). The National Assembly is elected to represent the people and to ensure government by the people under the Constitution. It does this by: choosing the President, providing a national forum for public consideration of issues, passing legislation and scrutinizing and overseeing executive action. Members of the National Assembly can change the government by passing a vote of no confidence in the President and/or the Cabinet (RSA 1996).



The National Assembly has a maximum of 400 Members and a minimum of 350 Members of Parliament (MPs). These members are elected to the National Assembly through an electoral system based on proportional representation. The Constitution makes it clear that the current electoral system can be changed by a new law, provided that the new electoral system results, in general, in proportional representation (RSA 1996). This means that candidates are appointed from party lists in proportion to the number of votes the party wins in the elections. So if a party wins half the votes it will hold half the seats in the National Assembly.

The National Council of Provinces (NCOP) ensures that the nine provinces and local government have a direct voice in Parliament when laws are made. The National Council of Provinces represents the provinces to ensure that provincial interests are taken into account in the national sphere of government. It does this mainly by: participating in the national legislative process and providing a national forum for public consideration of issues affecting the provinces (Cameron 2007).

The main essence of setting up the NCOP is to promote national unity and good working relations between national, provincial and local governments. While the delegates in the NCOP represent their political parties, they also have the important duty of representing their provinces as a whole. Each province has ten delegates, no matter how big or small the province, thus guaranteeing a balance of interests among the provinces. There are six permanent and four "special" non-permanent delegates in each delegation. Each is headed by the Premier (as one of the special delegates) or a substitute for him/her when the Premier is not available. The delegation must reflect the proportional strength of the various parties in the province. In addition to the nine provincial delegations, the NCOP includes a delegation of the South African Local Government Association (SALGA) whose ten non-voting representatives are chosen from a group of representatives from the nine Provincial local government associations (DCGTA 2009).

Provincial Legislatures are of varying sizes depending on the population levels in the province. According to the Constitution the minimum size of a Legislature is 30 members and the maximum size is

80 members. Members are elected from provincial lists on the basis of the number of votes received by a political party. A provincial legislature is responsible for passing the laws for its province as defined in the Constitution. These laws are only effective for that particular province. Parliament may intervene and change laws passed by provincial legislatures if they undermine national security, economic unity, national standards or the interests of another province. Just like national legislature, provincial legislatures have the responsibility of calling their Members of their Executive to account for their actions.

The Legislature derives its power and authority from the constitution stipulated in section 44. Provincial legislative authority is vested in the provincial legislatures as stipulated in section 104 of the Constitution (RSA 1996).

The national legislative authority, as vested in Parliament, gives the National Assembly the power to amend the Constitution; to pass legislation with regard to any issue, subject to certain provisions; and to pass on any of its legislative powers to any legislature in the other spheres of government (except the power to amend the Constitution). The Constitution also gives the NCOP the power to participate in amending the Constitution as stipulated in section 74; to pass legislation affecting provinces as stipulated in section 76; and to consider any legislation passed by the National Assembly as stipulated in section 75 (RSA 1996).

However, Parliament may intervene in provincial legislation and make or change laws dealing with exclusive provincial matters which is listed in Schedule 5 of the Constitution and applies only in the following cases as provided in section 44 (2)): to maintain national security, to maintain economic unity, to maintain essential national standards, to establish minimum standards for rendering of services; or to prevent unreasonable action by a province that might be detrimental to the other provinces (RSA 1996). Provincial legislatures are bound only by the national Constitution and by their own Constitution where it exist

The legislative authority of provinces as vested in provincial Legislatures gives them the power to pass a constitution for the



province, or amend any constitution passed by it as stipulated in sections 142 and 143 of the Constitution; to pass legislation for the province with regard to any matters within a functional area listed in Schedule 4 and Schedule 5 of the Constitution;

Outside the aforementioned functional areas that are expressly assigned to the province by national legislation; and for which a provision of the Constitution envisages the enactment of provincial legislation; and to assign any of its legislative powers to a Municipal Council in that province. A provincial legislature can, with a two-thirds majority, request Parliament to change the name of that province. A provincial legislature may recommend to the National Assembly legislation concerning any matter outside the authority of that legislature; and where an Act of Parliament prevails over a provincial law.

### **Executive Branch**

The executive consists of the President, the Deputy President and the Cabinet ministers at national level, and the Premier and Members of the Executive Councils (MECs) at provincial level. It also includes government departments and civil servants. Their day to day responsibility is to run the country and to make policy in the best interests of South African according to the Constitution. The Executive are empowered to implement legislation, develop and implement policy, direct and co-ordinate the work of the government departments, prepare and initiate legislation and perform other functions as stipulated in the Constitution or act of parliament (RSA 1996). The Executives does not have the power to pass laws even though they can propose legislation to cover new areas or alter existing laws.

The President is Head of State and head of the national Executive or Cabinet. The president is entrusted with maintaining the supremacy of the Constitution as the grand norm in the country. The president is also required to promote the unity and interests of the nation at large. The constitution recognizes the president as the Commander-in-Chief of the South African defence force.



The National Assembly elects one of its Members to be President during the first sitting of the National Assembly in a process presided over by the president of the Constitutional Court or in his absence a designate judge appointed by him. Once elected as President, the President ceases to be a Member of Parliament and must be sworn into office within five days. If at any time the office of the Presidency becomes empty during the course of a legislative tenure, then the Constitutional Court President must set a date within 30 days in which the position will be filled.

A person may serve as President for no more than two terms of five years however appointments as acting President are not included in this period. The National Assembly is empowered by the Constitution to remove the president if the President is found to have seriously violated the Constitution or the law, or has been engaged in serious misconduct or is unable to perform his/her duties. This is accomplished through a resolution adopted with a two thirds majority of all of the Members of Parliament (RSA 1996).

On the other hand, a motion of no confidence in the President (that is, a proposal that s/he is not governing the country satisfactorily) requires only a majority vote (over 50% of all Members) by the National Assembly. If this was successful, the President, Deputy President and the entire Cabinet, as well as the Deputy Ministers, would have to resign. Once a President has been removed from office, the National Assembly must elect a new President within thirty days of the vacancy occurring. If this does not happen, the Acting President must dissolve the National Assembly and elections must take place.

If the President is out of the country or unable to perform his/her duties, the following people, in order of priority, are required to serve as acting President: the Deputy President or a Minister designated by the President or a Minister designated by the Cabinet or the Speaker of the National Assembly until it elects one of its Members of Parliament (RSA 2006).

The President is responsible for appointing the Cabinet; judges after consulting with the Judicial Services Commission; the Public Protector, the Auditor-General and members of the various

Commissions on the recommendation of Parliament; the Military Command of the Defence Force; and commissions of inquiry. The president also assents to and signs Bills passed by Parliament so that they can become laws, or referring Bills back to the National Assembly or to the Constitutional Court if there are concerns over their constitutionality; calls special sittings of the Houses of Parliament; calls a national referendum; receives foreign diplomats; designs South Africa's representatives abroad; confers honours; pardons or reprieves offenders; and declares a "state of national defence" with the approval of Parliament.

Section 91 of the Constitution empowers the President to appoint the Deputy President from amongst the Members of the National Assembly and may also dismiss her/him. The President assigns particular powers and functions to the Deputy President who assists the President in the running of government (RSA 1996).

Beside this, the president appoints Ministers from the National Assembly, though two Ministers may be appointed outside of the National Assembly. The president along with the Deputy President and the Ministers constitutes the Cabinet in which he/she heads. The President assigns powers and functions to the Minister and may dismiss them. Each Minister has a Ministry which consists of a small team of advisors. The Ministry and a Department, headed by a Director-General, assist the Minister in developing and implementing policy and laws.

The Ministers are accountable to the National Assembly for their actions and for those of their departments and they must act according to government policy. They must also provide Parliament with regular and full reports about matters for which they are responsible.

Members of the Cabinet must act according to a code of ethics, created by the president pursuant to the principles and framework established by the Executive Members' Ethics Act of 1998. This Act says that they may not do any other paid work, have conflicts of interests between their official and private capacities, must not act in any way that is inconsistent with their offices, or use their position or



any information entrusted to them for the improper enrichment of anybody. The Cabinet continues to function after dissolution of Parliament until the next National Assembly elects a new President and a new Cabinet is appointed.

If the majority of Members of the National Assembly passes a motion of no confidence in the Cabinet then the President must establish a new one. If the majority of the National Assembly Members passes a motion of no confidence in the President, not only the President but his Cabinet and the Deputy Ministers must also resign (Marais, 1989).

While Deputy Ministers are not Members of the Cabinet, they are required to assist the relevant Ministers in the execution of their duties. The President, in consultation with the Deputy President, is responsible for the appointment of Deputy Ministers from amongst the Members of the National Assembly. Despite not being Members of the Cabinet, Deputy Ministers would have to resign along with the entire Cabinet if a motion of no confidence in the President was successful.

At the Provincial levels, the Executive is called the Executive Council and is headed by the Premier. Members of Executive Councils (MECs) are accountable to their Legislatures in the same way as the Cabinet is accountable to Parliament. The Premier is elected by the Members of that Provincial Legislature (MPLs) from amongst themselves at the first sitting of that legislature after the election. The Premier thereafter appoints the Members of the Executive Council (MECs) from among the MPLs. There may be up to ten MECs in each province. The exception to this is the Western Cape whose provincial Constitution allows for the additional appointment of up to two non-voting MECs from outside the Legislature. MECs are accountable to their Premiers. Like Ministers, MECs are responsible for departments. These provincial departments deal only with those matters that provinces are allowed to control or those over which they share control with national government (Picard 2005).

There is still no formal structure to facilitate intergovernmental relations between the national and provincial executive. Ministers and MECs do meet informally, however, in what is known as MINMEC.



This is a meeting between the Minister and the nine provincial MECs who deal with the same portfolio. MINMEC plays a meaningful role in the process of co-operative government in South Africa. It is the responsibility of national government to build the administrative capacity of the provinces. If a province is not performing properly, national government can take over a province's responsibilities to maintain established service standards, economic unity or national security or to prevent a province from acting in ways which harm the interests of another province or the country as a whole.

If Cabinet intervenes in a province, it must table notice of this in the National Council of Provinces (NCOP) within 14 days of having intervened. There are a number of provisions stipulated in section 100 of the South African Constitution that ensure that national supervision of a provincial administration is strictly monitored by the NCOP. In the same way, provincial governments are allowed to administer the affairs of local governments that are not performing properly. Here, too, the NCOP is responsible for monitoring such an intervention which must conform to the provision in section 139 of the South African Constitution (RSA 1996).

### **The Bureaucracy**

The public service consists of national and provincial governments. As at December 2008, there were 1,666,735 public servants (Milne 2009: 997). The public service excludes local government which has approximately 203,000 staff. During the transition phase in the early 1990s, the major political parties agreed upon a 'sunset clause' which guaranteed the jobs of public servants who were employed before the 1994 elections. This clause was included in the Interim Constitution. This included preserving the jobs of all public servants irrespective of colour (Miller 2005). It ensured that the relatively peaceful transition was not faced with administrative upheaval. The 'sunset clause' fell away when the final Constitution took effect after the 1999 elections.

Prior to 1994, South Africa's public service was highly centralized. The Commission for Administration, the central personnel body for the public service, had extensive powers covering the

approval of senior appointments, the setting of wages and salaries, responsibility for disciplinary authority, pensions, leave, promotions, and evaluating staff qualifications and requirements. It was also responsible for grading posts and regulating working conditions (Ncholo, 2000: 89; Picard, 2005: 59; DPSA, 2008a: 2).

The apartheid civil service regarded itself as functioning in accordance with the values of political impartiality and administrative competence. It should be noted, though, that this view was promoted within the highly constricted apartheid system (Picard, 2005: 197–198; DPSA, 2008b: 55–56).

Posel (1999) points out that while the apartheid government provided sheltered patronage employment for (white) public servants, it often treated senior public servants with contempt. The state exercised firm authoritarian control. The political-administrative relationship was characterized by strong political control over senior bureaucrats.

Schrire (1989) argues that the continuity in office of the National Party (NP), which was in power from 1948 until 1994, allied to the close socio-cultural similarities between the political and administrative elites of that period, tended to diminish the natural tension between politicians and administrators. Marais (1989: 295) suggests that this long period in office led to the politicization of the public service, with public servants gradually starting to adopt the government's way of thinking.

In a survey of pre-1994 directors-general, Miller (2005: 98) found that 47 percent had been appointed on seniority, 40 percent through a degree of political influence; namely, Ministers or the President directly recruiting senior officials or expressing their preference to the Commission for Administration, and 13 percent on the basis of both seniority and political influence.

### **Judiciary Branch**

Judicial authority in South Africa is vested in the courts. The Judiciary in South Africa derive their powers from the Constitution and going by the provisions therein are meant to be independent sub-divided into



five with varying levels of authority, powers and jurisdiction. They include the Constitutional Court, the Supreme Court of Appeal, the High Courts, the Magistrates Courts and various other Courts.

The Constitutional Court is the highest court for constitutional matters. It is located in Johannesburg and is constituted of a maximum of eleven judges. The Court guarantees the basic rights and freedoms of all persons in South Africa. Its judgments are binding on all organs of government, including Parliament, the Presidency, the police force, the army, the public service and all other courts (RSA 1996).

The Constitutional Court is the only court that decides upon disputes between organs of state in the national and provincial spheres. The disputes on this subject matter which may be referred to the Constitutional Court are issues such as; the constitutional status, power or functions of any of those organs of state; the constitutionality of any national or provincial Bill or Act; the constitutionality of any amendment to the Constitution; the possible failure of the Parliament or the President to fulfil a constitutional obligation; or certifying a provincial constitution.

Another important institution of the Judiciary is the Supreme Court of Appeal. It is the highest court of appeal except in constitutional matters, and may hear only appeals; issues connected with appeals; and other matters that may be referred to it in circumstances defined by an Act of the South African Parliament. It is when people are not satisfied with the decision of a High Court, that they can take the matter further to the Supreme Court of Appeal. The Supreme Court of Appeal is located in Bloemfontein. It is presided over by five judges.

The High Courts which used to be called Supreme Courts are primarily intended for more serious criminal and civil cases. The court may hear some constitutional matters - with the exception of those matters that only the Constitutional Court may decide. Each province in South Africa has a High Court which is usually situated in the provincial capital. However the Eastern Cape's High Court is in Grahamstown and not in the capital, Bisho. Mpumalanga has still to decide if their High Court will be in Nelspruit (their capital) or



Middelburg where the provincial legislature wishes it to be. Gauteng province has two High Courts, one in Pretoria and one in Johannesburg (RSA 2012).

Magistrates' Courts serves as the entry point for the majority of people who go to court. There are two kinds of magistrate courts in South Africa: regional courts and district courts. Regional courts are higher in rank which means that they hear more serious cases than the District Magistrate Courts and may impose heavier sentences. Magistrates' courts and other courts may decide on any matter determined by an Act of Parliament, but may not enquire into or decide about the constitutionality of any legislation or any conduct of the President.

Apart from the aforementioned, there are various other courts which are located at varying levels in the court hierarchy. This include the Small Claims Courts which look at minor cases involving sums of R3000 or less; the Electoral Court which deals with electoral issues, for example when there is a dispute among political parties concerning the elections; the Labour Court which deals with issues pertaining to labour relations; and the Land Claims Courts which deal with matters of land redistribution.

The Republic of South Africa is a constitutional democracy. It consists of three structures of government, namely: national, provincial and local governments. It is divided into nine provinces, each with its own provincial legislature. All the levels of government derive their powers and functions from the Constitution of the RSA. The National Assembly is the supreme law-making body in the RSA. Laws made by the National Assembly are applicable throughout the RSA. The same is true of policies made by the Cabinet of the National Government. While there are areas of exclusive legislative competence for the National Assembly, the National Assembly shares its legislative authority with provincial legislatures. Parliament consists of two Houses: the National Assembly and the National Council of Provinces (NCOP). The National Assembly is elected for a term of five years and consists of no fewer than 350 and no more than 400 Members. Members are elected in accordance with an electoral system, based on

a common voters' roll with a minimum age of 18 years, resulting in a system of proportional representation. The National Government of South Africa is comprised of Parliament, Cabinet and various Departments. These components carry out functions as outlined in the Constitution and in legislation enacted by Parliament.

The South African Parliament is responsible for creating and amending the country's laws in accordance with the Constitution. It consists of two parts, the National Assembly and the National Council of Provinces (NCOP). The National Assembly consists of 400 elected representatives who meet at the Houses of Parliament in Cape Town, to debate issues and create legislation. The National Council of Provinces consists of 54 permanent members and 36 special delegates representing the nine provinces. The NCOP represents provincial interests in the national sphere of government (RSA 2012).

The executive arm of national government is headed up by the Cabinet which consists of the President, the Deputy President and various Ministers appointed by the President from the National Assembly. The President also determines which functions each of the Ministers will perform.

Provincial governments are bound by laws and policies passed at national level, but can develop their own laws and policies within this framework to suit their specific needs. Provincial legislatures may pass their own constitutions subject to the provisions of the Constitution of the RSA. Local governments on another hand consist of municipalities whose objectives are, amongst other things, to provide democratic and accountable government for local communities, to ensure the provision of services to communities and to promote social and economic development.

#### **4. Political Culture and Political Socialization**

##### **Political Culture**

There has never been a polity recorded not to have a belief system inherent in the people in the whole history of mankind. The concept of culture is a central theme in human existence. According to Agbude



(2010:45-63) opinion, the past, present as well as the future of a polity is a product of the kind of beliefs, disposition and orientations that runs in the psyche of the people and their people. Political culture is an important mediator or intermediary between civil society and the state. It is a connection between the behaviour of the systems and the behavior of individuals and accommodates a system of collective mutual perception of the rights and obligations.

South Africa historic apartheid laws and regimes that drove the system for decades have influenced the nature of its political culture today even in the post apartheid era. South Africa has had a peculiar history of racial segregation. Apartheid being an ideology of superiority bred the culture of prejudice, stigmatization, stereotype, discrimination, marginalization, oppression, frustration, discontent, lack of respect for human rights, systemic racial classification and societal divisions, strife, conflict, suffering, brutality, violent crime, hatred, fear, fire arm, guilt, revenge and political intolerance. It also left legacies in the post apartheid era, that had made the culture of reconciliation and adversarial politics coexist uneasily (Gibson & Gouws, 2003:5; Stinson, 2009; Jagwanth, 2002). The paradigm of dehumanization manifested in all facets of life. Adam and Moodley, (1993:57) referred to the terrains of the dehumanization as the ten legacies of apartheid. According to them they are: legal scientific, social, sporting, aesthetic, sexual, cultural, educational, economic, and psychological. During the apartheid, one can describe South Africa's political culture as that of minority white dominance against a liberation struggle. It was a militant form of nationalism.

Years after apartheid, all these manifestations of apartheid are still prevalent in the modern day political culture of South Africa. Today, political campaign debates for political offices have been based on the problems of poverty, unemployment, and the wealth gap and land redistribution amongst others which are legacies built and developed during the apartheid era. Secondly, after years that the apartheid system collapsed, the culture of violence and aggressive responses to issues still prevails. People still react in with hatred, intolerant etc. In 2008, the country witnessed an atrocious wave of



xenophobic/ intolerant which was an expressions of economic discontent and a response to the difficult socio-economic conditions of many poor south Africans aggravated by uncontrolled immigration of foreigners, political election campaign rhetoric, 2009 municipal worker protests (Zondi, 2008:26-35). Increasing economic marginalization has caused growing discontent among South Africa's poor and constitutes a major threat to the formation of a cohesive national identity (Stinson, 2009:2). In many regards, economic inequalities have worsened and are accompanied by a widespread rise in crime and violence which is still very present feature on the minds of many South Africans. In 2009 for instance, Julius Malema, the ANC youth league leader declared they will kill for Jacob Zuma to win the elections by all means.

The structure of the government is highly centralized. The country has a large and impenetrable bureaucracy which has resulted in the government being too remote from the population and access to the government also is difficult (Jagwanth, 2003:14). This culture of social differentiation between the leader and the ruled has been invoked from the pre apartheid era. Also, the culture of political corruption and inefficient bureaucracy generates perceptions of government unaccountability, ineffectiveness and inadequacy within civil-society. Trust in institutions of government is decreasing. This serves to erode the legitimacy of the state and fosters feelings of political marginalization. Though South Africa is a democracy, its historical legacy has contributed to an effective dominant-party political system by the ANC that makes minority parties feel politically marginalized (Stinson, 2009:57-59).

Another culture is the culture of political boycott and the use of repression by the state. Boycotts were a very common form of contentious action in South Africa (Lodge, 1983:156). For example, the bus-boycotts in Evaton and Alexandra created a domino effect in Pretoria, Port Elizabeth and East London calling for change. The Bus Boycott of 1940 in Alexandra forced the bus companies to reduce the fare (Lodge, 1983:157). It was the two day nation-wide boycott of 1984 that brought the apartheid regime to the negotiation table (Gurney, 2000:123-144). This boycotting act remains a political tool in the hands

of South African citizen in this post apartheid period. For instance, in 2009, there was the Poor People's Alliance's boycott of the 2009 presidential election under the slogan "No Land! No House! No Vote!" (Losier, 2009). The reaction of the state against such grassroots organizations has been repression and violence as it was in the apartheid era.

On the aspect of the culture of voting, there has been an increase in the disposition of eligible citizens toward voting. As opposed to the policy of limited franchise that dominated most of the apartheid era, people now express their fundamental human right to decide who they want to represent them in government (EISA, 2009; IDEA, 2009; RSA, 2009a).

### **Political Socialization**

From the above instances the fact remains that the present political culture of South Africa are products of history, social reality as well as Apartheid-era construction. However, efforts of political socialization to reform the national identity, build a united political community that transcends racial and ethnic awareness, and pursuing a new national consciousness, common identity and values have been on since the fall of apartheid (Mandela, 1994). The political socialization in South Africa are carried out by various agents at various levels all working concurrently to achieve the best for the country. These agents of socialization include the family, media, peers, education, religion, age, and political parties. The family is definitely the primary agent of political socialization. In bringing up younger folks, adult family members often pass on their political views and opinions to them. This often makes children develop political views which are similar to those of their family members which might be detrimental to the society or help it grow. Furthermore, the media made up of the newspaper, television and radio are other agents. As an agent of socialization, the media played a vital role during apartheid. During this period, Afrikaner papers were pro-nationalist while the English newspapers were pro-opposition. Radio and the television service were under the control of the SABC which was formed by parliament which was a propaganda



instrument of the government during the apartheid (Kotze, 1986:422). Seeing major events such as assassinations, elections or wars can also influence how people feel towards politics.

However, they have been the major mediums through which the government educates the people on various political and civic issues. Basically, such education is based on the value systems of the country which aims at reconciling all the people as a single nation and under a common identity despite their different language, culture and beliefs (Stinson, 2009). Some of the socialization strategies include embracing a new philosophical and political ideology of reconciliation from 1990. Also, on April 27<sup>th</sup> 1994 a new national flag was introduced in the new South Africa, in 2000 new national coat of arms was adopted. It depicted the democratic change in South Africa and a new sense of patriotism (RSA 2009b).

The role of religion on South Africa's political culture cannot be over emphasized. Various fractures of the Christian faith have taken diverse positions towards South Africa's politics. Apartheid was promoted through some church services like the Dutch Reform Church, White English speakers within the Anglican or Catholic Church took anti-apartheid stance and beliefs. The Zionist Christian Church could not take a stance against apartheid. Religion in South Africa has been used during apartheid to influence political culture and is still being used in current day South Africa. However its role has transformed over time from being used by the nationalist government too now being used by the ANC government.

## **5. Political Recruitment**

The current electoral system in South Africa which impacts significantly on leadership recruitment narrows the space for political expression any country in the stature of South Africa should enjoy. Though we have competitive participatory political process, it is political party centred due to the closed party lists proportional representative democracy the country practices. This system empowers the party apparatchik and makes the system less accountable. This of course is not new; leadership recruitment in South Africa has been restrictive

even before the historic election of 1994 that ushered in Majority rule in the country. Before then, the apartheid policy restricted political recruitment to the minority white population which considered itself superior to other races in the country, but even at that, the National Party dominated affairs in the country until the emergence of Fredrick De Clark who helped to dismantle the apartheid regime in South Africa. The election empowered anti-apartheid elements led by the quintessential Madiba Nelson Mandela who inspired confidence and raised a modicum of hope that contributed significant in the transition from racial discrimination to a rainbow nation. But the elements that succeeded the Madiba has found it difficult to match his administration style

The failure of South Africa's leadership meet the expectation of the masses could be traced to the electoral system the country uses. The proportional representation system has meant that there is less scrutiny and accountability to the electorate by those who occupy leadership positions within the government. The implication of this system is that individual politicians holding offices, only need to show allegiance to the political party and not necessarily to the electorate. Given that many South Africans s voting preference is still based on identity and loyalty to the ANC as a liberator from the apartheid regime. This system has created an accountability deficit, as the current ANC leaders take for granted the threat to its position as the dominant political party in South Africa.

Given the closed list proportional representative system that does not encourage accountability, political activities are more pronounced at the parties especially, the ANC that has remained a dominant party since the transition from apartheid in 1994. As a result of this, political activism has centred within the ANC where factions spring up from time to time but somehow, the party has been able to manage the probability of a major implosion. The wrangling in Polokwane in 2009 where the former president Thabo Mbeki was defeated by Jacob Zuma resulted in a splinter party called COPE of which impact was very minimal in the preceding election. Even the Democratic Alliance led by a former white anti-apartheid activist Helen



Zilwe is finding it difficult to attract the trust of South African electorate (Washington Post Oct, 2012).

## **6. Interest Groups**

The behavioural characteristics of interest groups are that of competition for an equitable transfer of wealth and create political equilibrium. Interest groups have played a significant role in South Africa's politics. During the apartheid era, the creation, operations and existence of interest groups were strictly influenced by the government. The stringent policies and control these groups have loosened after the collapse of apartheid which has led to a rise in their number and scope of operations.

### **Professional groups**

This refers to a network of professionals with recognized proficiency and competence in a particular domain and an authoritative claim to policy relevant knowledge within that domain or issues-area (Haas, 1992). They are made up of professionals in various fields of human endeavors like medicine, agriculture, engineering, student groups, trade etc. Professional associations are basically to promote legitimate and professional interest, address legal, ethical and related practices that answer from their professional practice; they promote their interest and activities of their members to perform or fulfil their role in the society. Most of them are special interest groups with specific goals like South Africa Physiotherapist Acupuncture Association, The Actuarial Society of South Africa, Computer Society of South Africa - a professional body of ICT practitioners, The South African Sports Medicine Association. The student organizations serve as academic, social and even professional groups and protest against unfavorable educational policies and changes. Examples of students groups in South Africa are Black Medical Student (BMS), South Asian Medical Student Association to mention just a few.

## Trade Unions

South African unions emerged during the apartheid era and have undergone a metamorphosis since. A historical account of trade unions reveal that different forms of unionism have been experienced in South Africa during the periods of apartheid and post apartheid. From the beginning unions reflected the identity of the racial disunity of the country. The earliest unions were predominantly for white workers (ICTUR *et al.*, 2005). Webster and Lambert (forthcoming cited in Mwilima, 2008) argue that in the 1970s, trade unions in South Africa were characterized by powerlessness. This attribute of the unions at that time was a result of the Social Democratic hostile environment which Buhlungu, Southall, & Webster (2006) described as being militant and a central character in the South African liberation struggle. South Africa's trade union movement has played an influential role in determining labour market and industrial relations policies in the country, dismantled apartheid legislation and practices in the workplace etc. Acts like The Labour Relations Act of South Africa have been enacted to provide public service to all workers and institution like Council for Conciliation, Mediation and Arbitration (CCMA) and the Labour Court have been established to help manage industrial relations conflict, eliminating unfair discrimination and redressing discrimination in the workplace (Butler, 2004). According to the 2001/02 South Africa Yearbook, there were about 17 trade union federations at the end of 2000 and by February 2012 the figure increased to 31 while registered trade unions in April 2010 were 198 (The South Africa Labour Guide, 2010). The four most prominent trade union federations with affiliates operating in the different sectors of the economy are the Congress of South African Trade Unions (Cosatu), the Federation of Unions of South Africa (Fedusa), and the National Council of Trade Unions (Nactu). A fourth national trade union centre was formed in 2003. Trade unions have been linked with anti apartheid groups like in 1983 and formed a political party, the United Democratic Front. COSATU is part of the Tripartite alliance with the ruling African National Congress (ANC) and the South African Communist



Party (SACP). After the 1994 elections, many trade union leaders were in position of power as members of the African National Congress.

### **Business union/ organizations**

South African chamber of commerce and industry is also known as the voice of business. Prior to when the name was changed it was known as South African Chamber of Business (SACOB). It has almost 50 constituent chambers. SACCI addresses economic, social and political issues affecting the business community. Its membership comprises approximately 20 000 small, medium and large enterprises across the breadth of the nation and across all economic sectors. Large enterprises are generally direct members of SACCI while small and medium enterprises are members through more than 50 local and regional chambers and 15 national associations. A challenge confronting the business association is the dominating interest of big business over those of smaller ones. Nonetheless, all these business associations and chambers work to promote growth and investment and other issues of the likes. Besides their economic interest, they have had profound political influences. During South Africa's transition to democracy political impetus for change from the business community came from small, yet powerful, groupings of business leaders (Natrass, & Seekings, 2010).

### **Promotional and Protective Groups**

These groups appeal to the large mass of the population, because they have a cause, which are mostly philanthropic or moral based. However, it has proven difficult for such groups to make generalised appeal because of the homogeneous nature of the population and its racial divisions on the other hand, protective interest groups are more active, protect interests in a country whose tendencies towards division have been more marked than the tendencies towards unity. These groups dominate the scene in South Africa and have the task of assisting members of an association or organisation to improve their material advantages, or, at least, not to suffer dwindling in these. Among the more powerful protective groups are those associated with

the alcohol and hotels lobby. The major interests association within the alcohol lobby is the Cooperative Winegrowers' Association (K.W.V.). Other examples of the protective groups are The Chamber of Mines, the railway interest and the Road Federation which are the protective

### **Public Interest Groups or Citizen Action Groups**

Some are generally concerned with a broad range of issues that affect the public at large, such as social or environmental issues. Examples include Common Cause or the National Association for the Advancement of Colored People (NAACP), the National Rifle Association (NRA), the National Abortion Rights Action League (NARAL), and South African Media Council etc. Those groups that focus on one issue are also known as single-issue groups. They have made certain feats in their endeavors. For instance, It was after campaigns by anti-tobacco groups like the National Council against Smoking (NCAS), the South African Medical Research Council (SAMRC), the Cancer Association of South Africa (CANSA) and the Heart and Stroke Foundation of South Africa (HSFSA) for the government to be stringent on tobacco consumption that there various policy instruments were introduced in tobacco control in South Africa and appropriate action were taken by the health department based on widely accepted international benchmarks on tobacco control (Asare, 2009:99-106) which has marked a turning point in South Africa's anti-tobacco control stance making her a global leader in tobacco control.

### **Ethnic Interest Group**

Ethnic interest group are established along cultural, ethnic, religious or racial lines by an ethnic group for the purposes of directly or indirectly influencing the policy of their country in support of the homeland and/or ethnic kin abroad with which they identify (Ambrosio, 2002). Formal organizations established by ethnic identity groups are apolitical while others are created explicitly for political purposes. Until apartheid was done away with, the primary decisive factor for interest articulation was race, more often than economic issues and the goals they pursued had ethnic inclinations for their groups. The groups



organized by the whites were more influential than those of other racial groups because they had both political and economic power concentrated in their hands. Some of the pro apartheid and all-white unions were the White Workers' Protection Association (Blankewerkers beskermingsbond), the Mineworkers' Union, South African Confederation of Labour etc. anti apartheid groups like Afrikaner Broederbond attempted to win political influence in order to maintain the status quo. It is worthy of note to state that after apartheid quiet a good number of them abandoned their ethnically inclinations and sentiments, in order to confront and conquer the new challenges threatening the post apartheid democratic political order.

### **Religious Organizations**

Religious alliances provided a means of coordinating church opposition to apartheid while not exposing the identity of church leaders and parishioners to the public. Except the Dutch Reformed churches, other religious groups throughout the apartheid era became involved in efforts to reverse or to ameliorate the effects of apartheid policies, but with varying degrees of militancy. The South African Council of Churches (SACC) was the most active anti-apartheid umbrella organization. While opposing apartheid, the organization also offered encouragement to activists fighting racial laws. SACC leaders in the likes of Anglican Archbishop Desmond Tutu were outspoken in their political views, lodging frequent complaints with government officials and organizing numerous peaceful protests.

## **7. Political Parties and the Electoral System**

Democracies cannot function without the existence of political parties. Political parties are expected to reflect the concerns of citizens, aggregate and mediate diverse interests, project a vision of a society and develop policy options accordingly. They are supposed to inspire and attract supporters to their cause, their membership being of key importance in their claim to represent citizens. Parties may well not live up to expectations regarding their services to citizens or quality of leadership. They nevertheless continue to be entrusted with what is

perhaps the most strategic responsibility of modern democracy to prepare and select candidates for parliamentary and presidential elections and then to support them into positions of leadership and government. Parties need to generate income to finance not just their electoral campaigns but also their running costs as political institutions with a role to play between elections. Yet parties, in newer as in older democracies, are under increasing pressure, faced with a vicious circle of escalating costs of campaigning, declining or negligible membership income, and deepening public mistrust about the invidious role of money in politics. Their problems of fund-raising are causing deep anxiety not just to politicians but to all those who care about democracy. The function of political parties in society reminds us of how much remains to be done, even in some quite stable democracies, to have political parties act according to basic principles of transparency and the rule of law. South Africa's transition through the National Peace Accord 1993, which paved the way for the Convention for a Democratic South Africa (CODESA) forum, was negotiated with the principles of establishing a multi-party democracy in the country (Masiko-Kambala, 2008). The document ensured that the stakeholders (political parties, the police and security forces) agreed on certain principles or rather the codes of conduct while the political groups had in common a vision to establish a multiparty democracy in a non-violent, peaceful manner. The constitution adopted in 1996, two years after the first democratic elections, prescribed for an electoral system that "results in general, in proportional representation" (RSA 1996).

As a result, South Africa chose to have a Proportional Representation (PR) closed list system (herein referred to as a PR system) for an electoral system at national and provincial level of government. At the local government level, the country has a mixed electoral system where half of the councilors are elected through a PR list process while the other half is elected through local representation at ward level (by a constituency system). The absence of an electoral threshold means that the country's national electoral system is truly proportional, that is, every vote counts. There are currently (since 2007) 15 political parties represented in the National Assembly, this is



up from 7 in 1994, and 13 in the 1999 elections. There is even a one-member party in Parliament. The increase in the number of political parties across legislatures was also a result of the floor-crossing legislation adopted in 2002 by which Parliament amended the Constitution to allow elected representatives to change their political affiliations without losing their seats at national, provincial and local levels (Low, Ballard, and Maharaj, 2007:4). One therefore can assert that South Africa's Parliament personifies the demographics of its people in the diversity of its make-up and its opinions which transmits and directs this diversity in the political process of legislation making. There is currently an ongoing debate on whether the electoral system should be revised. This is because the representatives in national and provincial legislatures are elected by their respective parties through a party list system instead of being elected by the people through a First Past the Post (FPTP) system, often referred to as a Constituency system. The proponents of the electoral change argue that Members of Parliament (MPs) are more accountable to their political parties in the PR system, therefore eliminating the basic tenet of accountability in a democracy.

### **Political Parties:**

There are currently 15 political parties in South Africa but the leading political parties are the African National Congress (ANC), the African Christian Democratic Party (ACDP), the Democratic Alliance (DA), and Freedom Front Plus (FFP).

### **African National Congress (ANC)**

The ANC is South Africa's dominant party and was at the forefront of the anti-apartheid movement. Its history dates back to 1912 with the initial assembly of a South African Native National Congress which, meeting annually from then, changed its name to the ANC in 1923. Its members contested elections for the Native Representative Council and local township advisory boards until 1946 when leadership resolved on boycotting these institutions in protest against the suppression of a black mineworkers' strike; individual members

continued, though, to participate in such elections. The most significant feature of the party has been its commitment to non-racial democracy. It is a nexus of diverse interests, with strongly developed leftist and moderate traditions. Furthermore, the ANC has a long history of collective decision making and strengthening consensus between regions. The ANC achieved its fourth successive election victory in April 2009. Nevertheless, its share of the votes fell below the important 66% threshold for the first time since the end of apartheid in 1994, meaning that it cannot unilaterally alter the constitution. Moreover, it also lost control of the Western Cape Province to the DA, indicating that the party is slowly losing its hold on the electorate.

### **Democratic Alliance (DA)**

DA is the ANC's main parliamentary opponent. It was formed in June 2000. Its origin sprung from two political parties, namely the Democratic Party (DP), which became the official opposition after the 1999 general elections, and the New National Party (NNP). The partnership between the DP and the NNP was followed by a marked shift to the right by the DP during the 1999 elections, when it grabbed the majority of the NNP's conservative support base. In 2001, the NNP left the DA and formed an alliance with the ANC. However this action affected the DA's efforts to strengthen its support base among the black population. It is interesting to note that it was not met with much success. Rather, it gained much of its support from the middle class white population, rather than the under-privileged black population. After the 2004 general elections, the DA became the largest opposition party by securing 12.4% of the total registered votes. The DA has continued to be the largest opposition party following the 2009 elections.

### **Inkatha Freedom Party (IFP)**

The IFP was established ostensibly as a Zulu cultural organisation in 1975 by the KwaZulu homeland chief minister, Chief Mangosuthu Buthelezi. It won all the seats in the KwaZulu legislative assembly elections in 1978 and thenceforth became the homeland's ruling party



until KwaZulu's incorporation into the province of KwaZulu-Natal in 1994. Unlike other homeland parties, though, Inkatha projected itself as a militant liberation movement and enjoyed mass support among Zulu migrant communities around Johannesburg. It won control of the KwaZulu-Natal provincial administration in the 1994 and 1999 elections, losing its dominance in 2004, though its members continue to serve in a coalition administration with the ANC. In all elections it has attempted to project itself as a national party, not an ethnic group, and its parliamentary representation has substantially included non-Zulus. Programmatically it shares many of the ANC positions, except with respect to what it considers are the rights and prerogatives of 'traditional leaders' as well as its emphasis on 'self help' and 'self reliance'. Ideologically, party officials view their organization as conservatively predisposed, 'definitely to the right of the ANC (Hough, 2008)

### **United Democratic Movement (UDM)**

In contrast to the foregoing groups, the UDM was formed in 1998 after nine months of consultations between its founders, Roelf Meyer, a prominent defector from the NNP, and Bantu Holomisa, a former ruler of the Transkei homeland and as an ANC member, a deputy minister in Nelson Mandela's government until his expulsion for directing corruption accusations at a member of the cabinet, Stella Sigcau (herself a former ruler of the Transkei). Meyer subsequently left the party to join the Rhema Church, a departure that probably lost the UDM much of its initial appeal to white voters. The UDM from its inception was chiefly an Eastern Cape-based organization – more than half of its votes in 1999 were located there. The 2004 elections confirmed its status as an essentially regional party with much of its support concentrated around Umtata, the former capital of the Transkei. Overall its vote share declined from 3.42% to 2.28%. It retained a foothold in KwaZulu-Natal, keeping its seat in the legislature and achieving in return for its support for the ANC in the province, a deputy ministry in the national government. The party also kept single seats in the Western Cape, Gauteng and Limpopo.

### **Independent Democrats**

The ID, formed in March 2003, was the only new party formed in the wake of floor-crossing to retain parliamentary representation after the 2004 election. In 2003, its founder and best known parliamentary representative was Patricia de Lille; formerly the chief whip of the PAC, and largely because of her media profile as an assertive anti-corruption campaigner, one of the few South African politicians aside from the top ANC leaders with a substantial personal following.

### **African Christian Democratic Party (ACDP)**

Next in size of electoral support to the ID is the ACDP. The ACDP is also a relatively new organization, formed in December 1993 specifically in anticipation of the 1994 poll and representing a completely fresh force in South African politics – the charismatic Pentecostal Christian right. Its original membership was recruited among the 2,000-strong congregation of the Hope of Glory Tabernacle in Vosloorus. The formation of the ACDP, its leaders emphasize, was prompted by divine guidance, specifically a ‘call from God’ to the party’s president, Dr Kenneth Meshoe, the pastor at Vosloorus.<sup>9</sup> It won two seats in 1994, six in 1999 and seven in 2004. Aiming to ‘bring God back into government’, among its chief preoccupations are opposition to abortion and homosexuality and support for the death penalty. The ACDP’s electoral support is concentrated in KwaZulu-Natal and the Western Cape; however, there are also considerable constituencies in Limpopo and Mpumalanga, chiefly among middle class white and coloured voters, though its membership is 60% black (ETT, 2003). In the Western Cape and in KwaZulu-Natal the ACDP has participated in regional government as a junior coalition partner.

### **Advantages of a PR system in South Africa**

South Africa’s current electoral system is truly representative and this is reflected at both national and provincial legislatures through the diversity in the members. There are four principles that run through the current electoral system:



1. **Fairness:** Every vote counts and all votes are equal (hence, there is no electoral threshold). This is also based on the history of the country where for a long period Blacks and Africans in particular were disenfranchised under the Apartheid regime.
2. **Inclusivity:** to ensure demographic and political inclusivity
3. **Simplicity:** that it would accommodate even the illiterate in the society
4. **Accountability:** to live to the connotation that democracy is the governance of the people by the people

There is a consensus that the PR system has produced a system where the minority groups have a voice in the legislation-making sphere of government regardless of the political majority attained by the African National Congress (ANC). The preoccupation of South Africa during the negotiations was the concern of the representation of minorities in a system dominated by a political majority. The ANC in particular was concerned about the dangers of too much local representation within a racially divided urban system and undermining attempts to create a municipality-wide focus on longer-term development issues.<sup>4</sup> The ANC for example, has used the PR system internally to ensure that the lists are representative of marginal and minority groups in the country. The ANC claims that it attempts to transform society hence the party's guidelines for its internal list processes that is used to elect MPs reflects key objectives of creating a united, non-sexist, non-racial and democratic society. The guidelines normally include factors such as geographical representivity, racial, ethnic, linguistic representation, skills, interest groups, 50% representation of women in all party structures in order to comply with the party's Constitution.

### **Advantages of a Constituency System in South Africa**

As mentioned earlier, the country has a mixed electoral system at local government level. The weakness of the PR system at provincial and national level is often compared to the strength of the constituency system at local government level. That is, the reality that the direct election gives the 'representatives' a constituency other than the party

and therefore a power base for independence of thought and action; and that the model creates an incentive for locally elected representative to serve the needs of their constituency and individual voters – of whatever party – living in that constituency (Kiguwa, 1998). However, despite this reality, there is no empirical evidence that proves that local government representatives are more accountable than representatives in legislatures in South Africa. In 2006, South Africa experienced 920-recorded cases of unrest related to poor service delivery; by September 2007, 40 violent protests had occurred during the year in Gauteng alone. Although some of these were politically motivated, driven by national rivalries, the majority of them were based on the genuine concerns of the people in the communities (Faull, 2008). According to a report of the South African Local Government Association a number of reasons as behind the service delivery protests at local level: poor governance, poor service delivery, lack of public participation (ineffective client interface) amongst others. Among the relevant issues in these tensions are the breakdown of communication between councilors and the people they represent, therefore resulting in a lack of public consultation and participation on local government matters (SALGA, 2007:22),.

Having argued that electoral systems are not without faults and that a form of electoral system does not necessarily result in accountable politicians, accountability remains a challenge in the context of South Africa. Nonetheless, the view that the three other principles are equally important and whatever electoral system the country may choose to have in the future should never compromise these principles for the sake of achieving electoral accountability. The next phase in strengthening the PR closed system list system should be about seeking ways of ensuring that legislatures, political parties and public representatives discuss and devise mechanisms and incentives that will encourage and facilitate electoral accountability by public representatives to their constituencies and the electorate in general. These mechanisms need to be uniform and apply to all political parties. As a start, Parliament could create a designated constituency department within its helm, which will be responsible for coordinating



this process. This would make sense in that Parliament funds political parties for constituency work.

## **8. The Policy Process**

According to parliament.gov.za, policy making in South Africa has its roots in chapter 5 of the Constitution which stipulates that “the executive is to respond to the needs of the people and encourage the public to participate in policy – making”. Hence, the involvement of the public in governance goes beyond the simple casting of votes at election times.

The first stage involved in the policy process is the policy conceptualization or policy agenda setting. The policy at the stage is conceptualized by the executive arm of the government and a committee is set up to oversee the subsequent stages of the policy process

The second stage is the policy formulation process. The formulation process involves two steps; the first is the drawing up of the Green Paper which is published to facilitate discussions on the proposed policy and an eventual White paper which is the actual policy in publish. The White paper is drawn after relevant parties including experts, parliamentary committees, the public and other stakeholders have made their contributions to the published Green paper. The involvement of third parties will most likely ensure the respect and obedience of the people to the policy formulated

The existing mechanisms for ensuring public participation in South Africa includes; public hearings which involves the invitation of interest parties to submit written or oral comments on any matter usually between five days and three weeks notice and an actual public hearing to voice out opinions. Secondly, public access to portfolio committee meetings, this includes initiatives such as holding formal committee meetings in rural parts of the country and convening of oral parliaments for youths and other special interest groups to discuss policy and other issues of interest. (civil society and participatory policy making in South Africa).

The final stage is the policy implementation stage. This is the policy actualization phase and this could span over a year to several years depending on the phases it is broken down into. A good example is the National Health Insurance Policy that is to be phased in over a period of

14 years (NHI). The land reform policies are also another good example of a policy that is going through the stages outlined above. Its implementation has been programmed to phase - in over several years with aims such as addressing "past racial exclusions and inequalities in a new South Africa. The reform policy was outlined comprising of three elements: restitution, redistribution and tenure reform. The National Land Committee has and are still playing active roles in supporting communities to reclaim their land and redistribution of land to the rural communities

The educational policies have been supported by the Constitution through the National Education Policy Act. A six key policy reform has been put in place to build and sustain the educational system making it useful and valuable. The six key reforms include:

1. The National Qualifications Framework (NQF) and skills development
2. Curriculum reform
3. Educators and educator education
4. School governance
5. Improving the quality of education and
6. Education financing (reviews of National Policies for education)

Other policies include the labour policy, agricultural policies, civil society and participatory policy, living heritage policy and much more. It is important to note that the word policy process connotes a continuous review process and due to the existence of these policies some from the early 20<sup>th</sup> century, the need to introduce continuing reforms to tackle matters arising as the country develops is necessary and this is exactly what is happening policy wise in South Africa.

## 9. Contemporary Political Challenges

According to a report in the Economist, South Africa has recorded some progress since the end of apartheid. The black middle class, fuelled by affirmative-action policies, has grown in this nation of more than 50 million. A report released in September by the South African Institute of Race Relations found that those with access to electricity reached 11.9 million in 2010, up from 5.2 million in 1996. Over the same period, the



number of families with proper housing nearly doubled to 11 million and those with access to piped water increased to 12.7 million from 7.2 million (Washington Post Oct. 2012).

But this notwithstanding, government figures still show that about a quarter of South Africans lack proper housing, nearly a quarter have no electricity and nearly a fifth no proper sanitation. The government, its critics say, has a pitiful record in providing education, leading to shortages of skills; now, a quarter of the population is unemployed, up from 20 per cent in 1994 (WashingtonPostOct.2012).

This accountability deficit encourages corruption which has taken roots within the government and the ANC., The problem of the electoral system is that party list system which does not serve well in consolidating democratic practices in the selection and election of individuals who will subsequently take up legislative roles in the parliament and or public posts within the government is unable to check the trend. Patronage and self aggrandizement have been rife within the ANC and the government (Washington Post Oct 2012). For instance, there has been so much corrupt ways of tender issuing in many cases and a huge number of party loyalists have be awarded such government business tenders under less transparent circumstances.

This creates a deep and growing mistrust of leaders in the country, and according to Jay Naidoo a former general secretary of Congress of South African Trade Unions and senior ANC leader, the expanding underclass feels it has no voice through legitimate formal structures, thus making violence to becomes the only viable language a situation that makes the sacrifice of lives to end apartheid vain.

Though Thabo Mbeki who succeeded Nelson Madila was aloof and lacks charisma, the election of Jacob Zuma in 2009 excited enthusiasm given his populist zeal of which a good number of South African thought would translate into more help for South African masses. But he quickly became entangled in scandals including an official investigation and public rage over plans to upgrade his private homestead in Nkandla, in KwaZulu-Natal province, at a cost of \$27m to taxpayers. The renovations reportedly include a helipad, underground parking, playgrounds, and even a medical clinic.

But in spite of the dominance of ANC, its leaders are viewed as out of touch, with some criticised for having ties to mining companies, driving luxury cars and using their political influence to become extremely wealthy. The party's problems have provided an opening for Julius Malema, a controversial former ANC youth leader to publicly attack Mr Zuma, by seizing on the outrage over police killing of miners in the run up to the ANC elective conference in Mangaung (Munusamy, 2012).

Though some anti-apartheid stalwarts say the ANC has yet to make the transition from leading freedom fighters to leading a democratic nation, a clear alternative platform is not likely in near future. As such the growing lack of enthusiasm for his leadership could not stop Jacob Zuma's re-election to lead the ruling African National Congress (ANC), and by extension, to a likely second term as the country's president. At a congress held every five years, this time in Mangaung, formerly Bloemfontein, he got three-quarters of the 3,977 votes cast by the delegates (Washington Post Dec 2012).

Kgalema Motlanthe, his deputy, came a distant second, outshone by Cyril Ramaphosa, one of South Africa's richest men, who got drafted in by the president to replace Mr Motlanthe as his number two. He is now positioned to become the country's deputy president in 2014 and, if the past is any guide, president of South Africa in 2019 or sooner, were Mr Zuma to falter. Mr Ramaphosa, a trade-union leader during the anti-apartheid struggle, has been close to the mountain top before (Washington Post Dec 2012). Many expected him to succeed Nelson Mandela in the 1990s. But the job went to Thabo Mbeki, and Mr Ramaphosa chose to leave politics for business, where he has made a fortune. Returning to the party leadership, he will have to work out what to do with his array of holdings in mining and banks, not to mention his McDonald's franchises. During a deadly mine strike in August, leaked e-mails showed him calling for tough police action against protesters. In spite of this baggage, Mr Ramaphosa is still liked by investors at home and abroad who see him as a capable manager, unlike Mr Zuma, who mournfully listed the country's many challenges in a speech to delegates: a dismal education system, a sluggish economy, political violence confirming the views of critics that he has been running the country "on autopilot". It is hoped that Mr Ramaphosa turns into



something of a prime minister, taking on the dirty work of governing the country and leaving Mr Zuma free to play his favourite role of a front man with the common touch.

## 10. Conclusion

The rainbow nation of South Africa has come a long way. From Colonialism to the Boer wars that empowered minority white population and the system of racial segregation and apartheid regime that secluded and discriminated against the majority indigenous African and other peoples of colour. Apartheid was finally dismantled after a negotiated process culminated in an election of the first black president Mr Nelson Mandela and his party the African National Congress.

The African National Congress which has dominated the political scene in South Africa like a colossus since 1994, has indeed made some progress towards reversing most of the relics of apartheid but the huge expectation of impoverished Africans remains to be fully realised though the country has moved on with a new multi-racial democratic constitution enacted in 1996, the electoral system of closed lists proportional system has come along with its teething challenges including political party centeredness that leaves little room for the politicians to be directly accountable to the electorate.

This has encouraged intra party wrangling and corruption that is detrimental to the overall health of the political system and sometimes has brought disillusionment upon the masses who expect the parties especially the ANC which led the anti-apartheid struggle to deliver and those things the movement stood for.

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