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**Committed to Unity:
South Africa's adherence to its 1994 political settlement**

by Paul Graham

ABSTRACT

This paper reviews the commitment of the remaining power contenders and other political actors to the settlement which was reached between 1993 and 1996. Based on interviews with three key actors now in opposing political parties represented in the National Assembly, the paper makes the case for a continuing commitment to and consensus on the ideals and principles of the Constitution passed into law in 1996. It gives evidence of schisms in the dominant power contender (the African National Congress) following this settlement which have not led to a return to political violence. The paper makes the point that while some of this was the result of the presence of President Nelson Mandela, more must be ascribed to the constitutional arrangements and commitments of the primary political actors and the citizens of the country.

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INTRODUCTION

On 25 February 1990, only 2 weeks after being released from prison, Nelson Mandela spoke to some 125,000 people in Durban at the King's Park Stadium (Kentridge 1990). His famous "Throw your pangas into the sea" speech was brave for many reasons. The war between Inkatha Freedom Party (IFP) loyalists and the communities supporting, or perceived to be supporting, the African National Congress (ANC) was in full force. Suspicions that this war was being both supported and encouraged by the South African security establishment and its proxy in the KwaZulu government meant that ensuring the safety of Mandela and managing the massive crowds could not be taken for granted.

While organisations in Durban planned to marshal the crowd, General Bantu Holomisa, head of the military council controlling the Transkei homeland, sent soldiers from the Transkei Defence Force undercover and without clearance from the South African apartheid government, across a still existing political border¹ to blanket Durban dressed as street sweepers and other menials. The mission was to protect a political process that could still be snuffed out by the tide of events (Holomisa, author interview 2014).²

Having seized power in 1987 to combat corruption amongst the political leadership in the Transkei, the first homeland to accept 'independence' from South Africa, Holomisa, convened a *bosberaad*³ which decided to establish a relationship with the South African political leadership in prison and in exile. An agreement was reached to use the independence (which apartheid South Africa insisted existed) to create a space in which free political activity would be available in the Transkei, as long as the ANC and Pan Africanist Congress (PAC) agreed not to use the territory as a "springboard to attack South Africa" (Holomisa, author interview 2014).

While Holomisa was cementing his relationship with exile movements, his peer in the self-governing territory of KwaZulu, which had consistently refused the final step of independence, was embroiled in a deteriorating and increasingly violent conflict. Chief Mangosuthu Buthelezi became chief minister of the homeland of KwaZulu in 1976 after founding *Inkatha yeNkulukelo yeSizwe* (The Inkatha National Cultural Liberation Movement) a year earlier. After substantial contacts between the Inkatha leadership and the ANC, a schism between Chief Mangosuthu Buthelezi and the ANC occurred after he met with ANC leader Oliver Tambo in 1979 (Callinicos 2004).⁴ That war had as many as 12,000 to 15,000 deaths.⁵

This paper considers the various South African power contenders and examines their

¹ Homeland borders were not internationally recognised but within South Africa had a legal basis.

² Interview with Hon. Bantu Holomisa MP, leader of the United Democratic Movement (UDM), 4 February 2014.

³ A term used in South Africa to describe a planning retreat at a secluded venue, often in a nature reserve or 'bush/bos'.

⁴ For the IFP position on this same meeting see www.ifp.org.za/History/history.htm (Accessed March 4, 2014).

⁵ Author's calculations based on personal documents. The variation is a result of differences in ways of identifying the start and conclusion of the war, which geographic sites should be included, and controversy over whether certain deaths should be included in the tally. See also www.paton.ukzn.ac.za/Collections/violence.aspx (Accessed July 24, 2014).

accession to power, or their disappearance as a political force. It relies substantially on interviews with three central players, each of whom represents a particular set of power contenders who have continued to participate in – and sustained – the political settlement, despite their potential for either being excluded, or for becoming disruptors of the unity which South Africa has sustained. The struggle for freedom in South Africa is a long one, but only those power contenders who remained ‘in the ring’ at the time of the 1993-1996 settlement are considered here.

Mapping of the main South African political actors (before and after 1994)

Power contenders

During the period of negotiations and democratic transition until 1996, the primary antagonist to the white South African Government was made up of a coalition of forces variously described during the period before the unbanning of the ANC – perhaps most easily and usually by the term ‘the Mass Democratic Movement’.⁶ By this time, the status and influence of the black consciousness groups was waning and being overtaken by charterist groups,⁷ including those in exile (largely the ANC) operating with international support, and those active clandestinely inside the country or ‘underground’. Within South Africa, civil society organisations which formed part of the umbrella coalition United Democratic Front (UDF) from 1983 onwards were operating with varying degrees of legality. Additionally there were political prisoners (largely on Robben Island) who maintained tenuous, but regular contact both with the exile community and the activists operating above ground.

- ANC

From its inception in 1912, the ANC conducted a campaign for a non-racial, democratic, unitary South Africa in which all people had equal citizenship rights. Along the way the party shifted strategic gears a number of times, and the move to an armed struggle in 1961 was only one of such moves and never represented the only strategy of struggle. The ANC entered the negotiating period with a significant reputation and a number of allies, whom it had assiduously sought over the years, both inside and outside the country – not only for tactical reasons but because of its commitment to build an inclusive society. Having dominated the founding elections in 1994, it remains the dominant party in the country and is committed to the Constitution it played a major role in constructing, although there remain concerns that it has yet to be tested with electoral defeat.

The ANC made the commitment to a negotiated settlement in 1988, and they remained committed to this decision. As argued by Essop Pahad (author interview, 2014), an exiled member of the ANC and South African Communist Party (SACP) and subsequently Minister,

⁶ See for example the O Malley Archive interview with Mac Maharaj (now the South African Presidential Spokesperson) at www.nelsonmandela.org/omalley/index.php/site/q/03lv03445/04lv03446/05lv03480.htm (Accessed 4 March 2014).

⁷ Charterists espouse the Freedom Charter, and also the institutions which had been present at the Kliptown Congress of the People in 1955 or had emerged from these over time.

ANC leader Oliver Tambo tended to think strategically and rationally and to have a strong commitment to collective responsibility. He believed that the South African transition was particularly precarious as the ANC had no handle on power, which remained with the South African Government up to the elections.⁸ However both the ANC and the ruling National Party (NP) recognised the 'changing balance of forces' and were willing to put national interests above their own interests.

By the time of the 1994 elections, the ANC under Mandela's leadership had attained a level of authority within the negotiations themselves and the transitional mechanisms which managed the country in the early months of 1994. They had successfully collaborated with the last white government to oversee a political transition and write the rules for that transition. In the election of 1994, they were voted for in substantial numbers gaining 252 seats out of 400 available. They have retained that electoral dominance since then, gaining 266 seats in 1999, 279 seats in 2004, 264 seats in 2009 and 249 seats in 2014.

- *Breakaway parties*

Since 1994 there have been three breakaways from the ANC, two of which have flattered to deceive. The first, formed in February 1997, was led by the aforementioned popular General Bantu Holomisa⁹ who had joined the ANC in 1994 and who now leads a small party, the United Democratic Movement (UDM), which has support in some specific sub-regions of the country. The UDM was briefly jointly led by Holomisa and Mr Roelf Meyer, who had left the National Party when it dropped out of the Government of National Unity. Mr Meyer is now retired from active politics but is a member of the ANC.

The second breakaway was the Congress of the People (COPE), led by a former Premier of Gauteng (the richest and largest province) Mr Mbhazima Shilowa, and the Minister of Defence, Mr Mosiuoa Lekota. It captured public sentiment and media attention as it happened not long before the 2009 elections and COPE gained 7% of the national vote and 30 seats in the National Assembly. Having broken away in protest at the direction the ANC was taking after it forced the sitting President of South Africa, Thabo Mbeki, to resign,¹⁰ the foundation of COPE was seen as the first significant challenge to the electoral dominance of the ANC. However, leadership squabbles since the 2009 election have severely diminished the public reputation of the party and in the 2014 elections it only gained 0,67% of the votes.

The third breakaway came with the disciplining by the ANC of their increasingly abrasive and dissident Youth League President, Mr Julius Malema. His founding of the Economic Freedom Fighters (EFF) in 2013 is very recent, but he has campaigned in a number of areas where

⁸ This may account for the highly charged and emotional moment in the inauguration of Mandela when the heads of the armed services symbolically recognised his authority.

⁹ "His plucky defiance of the apartheid regime and his sharp wit made him one of the most popular figures on our electoral list. The way in which the De Klerk regime constantly demonised him, only helped his popularity amongst the majority of South Africans," according to the otherwise highly critical ANC assessment prepared after his ejection from the party (ANC 1997).

¹⁰ South Africa has a hybrid Presidential/Parliamentary system. Its head of state is elected by the Parliament and then takes up executive office. The position is therefore in the hands of the majority party in Parliament. The ANC's own internal electoral calendar is such that for almost a year they had had a party head who was not the head of state – and this became an increasingly untenable position for the party bosses.

disaffected and marginalised young unemployed people are resident. His pecuniary track record in handling his own and the youth leagues' funds is alleged to be suspect, but the EFF is attracting support and media attention. They received 6.35% of the vote in 2014, a similar result to that of COPE in 2009 which has led some to question their long term viability.

- PAC

The Pan Africanist Congress (PAC), founded in 1959, attracted early attention for its Africanist stance and commitment to nonviolent direct action. Its leader, Mr Robert Sobukwe, was arrested and then indefinitely detained on Robben Island before being released and placed under house arrest in Kimberley where he also died in 1978. The PAC established an armed wing called *Poqo*, subsequently renamed the Azanian People's Liberation Movement (APLA).¹¹ Although it continued a sporadic and violent armed struggle right up until the 1994 elections, its combatants were covered by the terms of the early negotiations and formed part of the subsequent integration of armed forces and demobilisation programme in which the ANC's armed wing *Umkhonto we Sizwe* (Spear of the Nation, MK) and the State's South African Defence Force (SADF) took part. Prior to and subsequent to the political settlement, the PAC struggled with limited resources, being overshadowed by the ANC and with regular and painful schisms and leadership dilemmas. While it remains in existence, it is only as a political party of historical sentiment.

Institutional actors prior to the 1994 political settlement

Apart from those in the Mass Democratic Movement, there were other political actors with significant constituencies and, in the case of the homelands, with substantial influence (within limits imposed by the South African Government) over territories which, while covering only some 13% of the South African landmass, controlled the citizenship and rights of the majority of black South Africans. Any analysis of significant political actors prior to the settlement must take account of the following key institutions and actors:

¹¹ A recent play catalogues the difficult and tragic life of an APLA soldier or "Cadre" and their relationship with the homeland police and the later transition to democracy: <http://www.citypress.co.za/entertainment/the-interview-omphile-molusi-voice-of-new-struggle-theatre/> (last accessed July 24 2014)

Parliament	Main Political Forces
South African House of Assembly (the 'White Parliament')	Majority Party: National Party
	Official Opposition: Conservative Party
	Other parties with significant representation: Democratic Party (now Democratic Alliance)
South African House of Representatives (the 'Coloured chamber')	Majority Party: Labour Party ¹²
South African House of Delegates (the 'Indian chamber')	Majority Party: Solidarity ¹³
	Official Opposition Party: National People's Party
Bantustan/Homeland	Political Actor/Leader
Transkei (declared independent on 26 October 1976)	General Bantu Holomisa
Bophuthatswana (declared independent on 6 December 1977)	Kgosi Lucas Manyane Mangope
Venda (declared independent on 13 September 1979)	Frank N. Ravele (deposed in 1990 and replaced by Council of National Unity chaired by Gabriel Ramushwana and then Tshamano G. Ramabulana)
Ciskei (declared independent on 4 December 1981)	Chief Minister Lennox Sebe (deposed in a coup in 1990 by Brigadier Oupa Gqozo)
Gazankulu (created self-government in 1971)	Chief Minister Hudson Ntsanwisi (1971-1993) followed by Edward Mhinga (1993) and later Samuel Nxumalo (1993-1994)
Lebowa (created self-government on 2 October 1972)	President Mogoboya Nelson Ramodike
QwaQwa (created self-government on 1 November 1974)	Chief Minister Kenneth Mopeli
KaNgwane (created self-government in 1981)	Chief Minister Enos John Mabuza followed by Mangisi Cephazitha
KwaNdebele (created self-government in 1981)	Prince James Mahlangu
KwaZulu (created self-government in 1981)	Chief Mangosuthu Buthelezi

While the majority of these actors have faded into obscurity or been washed away by the course of history, all participated through their legislative institutions or political parties in the negotiating processes between 1990 and 1994. Thereafter, only those parties and individuals which made it into the first democratically elected parliament or provincial legislatures have had a role to play in the political management of the new inclusive political settlement. The homelands all ceased to exist on 27 April 1994, being reabsorbed into a unitary South African state as an essential component of the political settlement.

- *Homeland leaders and the IFP*

Homeland leaders prior to and during the time of the negotiations were largely concerned with making accommodations with those in power in the South African state or considered to be the likely future power elite,¹⁴ that is, the apartheid government and the ANC. Two

¹² The Labour Party dominated this chamber with 69 seats out of 80.

¹³ The House of Delegates had 7 parties and 6 independent members in its 40-member house.

¹⁴ SA History Online provides a summary of some of the many contacts between the ANC and these homeland leaders: "In March 1986, a delegation from the Inyandza movement/party from the Kangwane homeland met with the ANC in Lusaka. Led by Chief Minister Enos Mabuza, the meeting saw the homeland leader forge definitive

stand out, both for their pre-settlement trajectories and for the fact that they remain in Parliament as representatives and leaders of their respective political parties. Bantu Holomisa, mentioned above, led the Transkei military to a coup in December 1987, overthrowing Prime Minister Stella Sigcau.¹⁵ His leadership as head of the Transkei was subsequently recognised by the South African government in 1988. As head of the Transkei he unbanned 33 organisations that had previously been banned in the homeland, earning him both popularity and recognition from the ANC leadership and its members. Holomisa remained head of government and the military until the Transkei was re-absorbed into South Africa in 1994 when he stood for Parliament as an ANC member, becoming deputy Minister for Environment and Tourism. Expelled from the ANC in 1996 after his testimony to the Truth and Reconciliation Commission, he co-founded the UDM and remains an elected Member of Parliament (MP).

Prince Mangosuthu Gatsha Buthelezi headed the homeland of KwaZulu, which refused to become independent and thus remained as a self-governing territory within South Africa. The IFP and its predecessor, the cultural movement, drew inspiration from the United National Independence Party (UNIP), the first Zambian party to form a Government after independence in 1964, and tried to establish a regional accommodation with the provincial and city authorities in Natal which was relatively successful while it did not undermine the authority of the national state. Tension between the supporters of the IFP and the black urban populations of Natal grew, especially on the contested boundaries between the homeland and Natal. KwaZulu touched the urban edge of the major Natal cities in ways that did not happen in other parts of South Africa.

Tension also existed between the IFP and the ANC, and then between IFP and the UDF and trade unions, all of whom treated Buthelezi as a puppet of the South African government, a role he contested. Violence of a serious and organised nature broke out in 1987 (Kentrige 1990) and continued both in the province and wherever Zulu supporters of the IFP worked as migrants, primarily on the Witwatersrand. Evidence now demonstrates that this violence was fuelled with weapons and disinformation by actors from the South African security establishment in pursuit of their own attempts to prop up the homeland system and combat the ANC and any of its perceived allies.¹⁶ Attempts at peace talks and programmes contained but did not end the violence, and the IFP stayed away from the negotiations while still being a significant potential destabilising factor, and insisting that its conflict with the ANC required separate and independent mediation. Prior to the first democratic elections in 1994, a group of eminent people arrived in South Africa with the intent to facilitate an arrangement between the ANC and the IFP. Former US secretary of state Henry Kissinger joined the former British Minister of Foreign Affairs Lord Peter Carrington, and Kenyan

relations with the liberation organisation. Mabuza's relations with the ANC were an exception from those of other homeland leaders. He had always operated a kind of balancing act, using his position within an apartheid-created platform and at the same time fostering cordial relations with the ANC. The ANC, according to David Welsh, 'accepted Inyandza's *bona fides* as "part of the forces fighting for a democratic South Africa".'

Another homeland delegation, members of Transkei's Democratic Progressive Party, met the ANC in January 1988. Despite tensions between the ANC and the Inkatha Freedom Party (IFP), IFP general secretary Oscar Dhlomo met with the ANC in May 1988." <http://www.sahistory.org.za/topic/delegations-and-dialogue-between-anc-and-internal-non-government-groups> (Last accessed on 6 March 2014)

¹⁵ Ms. Sigcau was elected to Parliament on an ANC list in 1994 and became Minister for Public Enterprises in Mandela's Cabinet, remaining in the Cabinet until 2006 when she died in office.

¹⁶ See the report of the Truth and Reconciliation Commission (TRC 1998). For example paragraph 80 in Section Two: <http://www.justice.gov.za/Trc/report/finalreport/Volume%202.pdf> (Last accessed 24 July 2014)

academic Washington Okumu in early April 1994 (Mosota 2013). Rebuffed by the negotiations partners,¹⁷ they left South Africa, although Okumu remained behind trying to broker a deal – which was settled with Chief Buthelezi on April 14 1994 (Buthelezi author interview, 2014).

The IFP entered the 1994 elections with an agreement signed by President FW de Klerk, Mr Nelson Mandela and Chief Buthelezi on 19 April 2014.¹⁸ They were involved in difficult and protracted post-elections discussions with the electoral commission and amid suspicion of a deal, achieved a fragile majority win in that province and a substantial portion of the national vote, largely because of the size of the KwaZulu Natal electorate. The Chief Minister received a senior ministerial post in the Mandela government with IFP leaders holding a number of other important ministries including Education. Unlike FW de Klerk, who withdrew¹⁹ from the Government of National Unity (GNU) on 30 June 30 1996, Chief Buthelezi and his IFP ministers remained in the Cabinet until the 2004 elections.²⁰ The IFP has been losing electoral ground both to the ANC and to breakaways from its own ranks, and Chief Buthelezi remains the now-aging leader and a national MP.

- *Other parties*

Within the white right-wing establishment, schisms also emerged during the early 1990s, as the ANC moved from a banned and demonised organisation to a potential governing partner. The scene became dominated by the flamboyant *Afrikaanse Weerstandse Beweging* (Afrikaner Resistance Movement, AWB) but including a parliamentary opposition, the Conservative Party. Both of these have fractured and to a large extent disappeared after the 1994 elections. They have been replaced by a small political party which draws its support from a portion of the white community and operates as a platform for that group on the national stage. This party, the Freedom Front Plus, had a deputy Minister in the ANC Cabinet prior to the 2014 elections. Other formations within the white community have emerged. A trade union, Solidarity, is active in labour matters, while a civil society advocacy group called AfriForum continues to garner publicity but with limited political traction.

The only political party which has remained within the democratic landscape since the apartheid system and after the post 1994 settlement, was known as the Democratic Party during the 1990s, and is now called the Democratic Alliance (DA).²¹ A liberal minority party under apartheid, it has moved from 7 seats and 338,426 votes in 1994 to 89 seats and 4,091,584 votes or over 22% of the electorate in 2014. It also governs in the Western Cape Province and a number of municipalities.

¹⁷ Chief Buthelezi blames Mr Ramaphosa and Mr Meyer specifically for scuppering the initiative.

¹⁸ Buthelezi remains in Parliament despite a continuing grievance that the agreement of April 19 was never resolved in terms of its clause 4: "Any outstanding issues in respect of the King of the Zulus and the 1993 Constitution as amended will be addressed by way of international mediation which will commence as soon as possible after the said elections." Others believe that these matters were resolved in the course of events and therefore did not require mediation.

¹⁹ See discussion of the break-up of the Government of National Unity in Graham (2014) and de Klerk (1996).

²⁰ Buthelezi (author interview, 2014) says that he was encouraged to leave the GNU in consort with the NP but refused.

²¹ The Democratic Alliance absorbed the Independent Democrats, a party started after 1994 by Ms. Patricia de Lille who had represented the PAC in the first Parliament.

As for the National Party (later re-named the New National Party, NNP), it initially formed an alliance with the Democratic Party, and was then dissolved in 2004 while its leadership joined the ANC, where its erstwhile leader, [Marthinus van Schalkwyk](#), continued to serve as a popular and successful Minister of Tourism until the 2014 elections (when he was dropped from the Cabinet, apparently on his request). This was the final demonstration both of the dominance of the ANC and the very similar ideological positions to which the ANC and NP had come during the post-settlement period.

Framing inclusivity in post-apartheid South Africa

The primary concern for all power contenders has been to be recognised as free citizens in their land of birth and to ensure that the South African state would be a unified one. There have been a number of suggestions at various times in the history of South Africa of different means to deal with the national question – i.e. who is a South African and how those of different ethnic, linguistic and cultural origins can co-exist? These suggestions have included various forms of federal and constitutional mechanisms to ensure that one or other of these groups – normally the assumed homogenous white minority – will not be overwhelmed.

Ultimately an accommodation was reached, based on individual rights and a universal citizenship and franchise within a unitary state with some federal characteristics and devolution of powers to a municipal level which are considered “interdependent, interconnected and distinct”²² entities.

There is some controversy about whether the final outcome significantly varied from the ANC's initial commitment to the Freedom Charter and then to the Constitutional Guidelines which they published from exile in 1989. What is clear is that they did not falter in their commitment to a non-racial country in which all citizens had a place.

What is also clear is that the ANC made a number of significant concessions during the negotiations in order to keep the process going – for example in terms of protecting the jobs and pensions of public servants, ensuring no “fundamental changes” in the security establishment, and promoting reconciliation. Pahad (author interview, 2014) believes that Mandela's approach to reconciliation was not *sui generis* but reflected the views of the collective leadership based on internal debate. He pointed to the discussion of the “sunset” clauses²³ which are credited to Joe Slovo (1992), a delegate to the Congress of the People in Kliptown, which had drafted the Freedom Charter in 1955' but may have emerged from a deeper discussion within the party. Despite serious internal opposition, for instance from Harry Gwala, a senior ANC leader from Pietermaritzburg and one of the earliest political prisoners released, the policy received majority support and became a key component in ensuring the settlement (ANC 1992).

²² According to Minister of Cooperative Governance and Traditional Affairs, Lechesa Tsenoli, in a briefing on 17 March 2014.

²³ A range of compromises have been assumed to be part of the “sunset” clauses, but as Chapter 15 of the 1993 Interim Constitution makes clear, these were merely a set of transitional arrangements.

Amongst white conservative factions, the dominant thought was to form separate states²⁴ in which whites could govern in amity with their neighbours, a set of black majority states. To some extent the Africanist view coincided with this, based on a belief that the white inhabitants of South Africa were temporary settlers who could and should find an alternative home. Neither of these positions was viable in South Africa and neither has much support – although there is support for the pre-eminence of black leadership and the reduction of white influence on the levers of political and economic power, as evidenced in South Africa's complex system of laws governing employment equity, black economic empowerment and preferential procurement.

To date none of the political parties which have representation in a legislature have chosen to mobilise support on an ethnic basis or indeed on the basis of xenophobia. While all have at one or other time been accused of doing this by others, the evidence does not support this. Of course a number of parties have historical baggage, if not all of them, and it is self-evident that racial and class baggage must be present.

Inclusion into the political arena: Electoral results since 1994

The electoral system selected as a keystone of the new political settlement was a closed list, proportional representation system.²⁵ It was agreed that there would be no threshold other than the quota and subsequent calculation of quota fractions. Parties which registered for participation in the 1994 national elections were given some state funding to assist them in their campaigns. As a result, 19 parties contested the election and 7 were represented in parliament.

²⁴ Constitutional Principle 34 grants the right to self-determination:

1. *This Schedule and the recognition therein of the right of the South African people as a whole to self-determination, shall not be construed as precluding, within the framework of the said right, constitutional provision for a notion of the right to self-determination by any community sharing a common cultural and language heritage, whether in a territorial entity within the Republic or in any other recognised way.*
2. *The Constitution may give expression to any particular form of self-determination provided there is substantial proven support within the community concerned for such a form of self-determination.*
3. *If a territorial entity referred to in paragraph 1 is established in terms of this Constitution before the new constitutional text is adopted, the new Constitution shall entrench the continuation of such territorial entity, including its structures, powers and functions. (Online at www.v1.sahistory.org.za/pages/library-resources/onlinebooks/soul-of-nation-constitution/doc35-constitutional.htm (Last accessed 26 August 2014).*

²⁵ The 1996 Constitution enshrines not the electoral system itself but the principle that any electoral system should follow: it must result "in general, in proportional representation". §46 (1) (d) of Act 108 (1996).

Results of the 1994 national elections

PARTY	LEADER	VOTES	%	Seat Allocation
African National Congress (ANC)	N Mandela	12,237,655	62.65	252
National Party (NP)	FW de Klerk	3,983,690	20.39	82
Inkatha Freedom Party (IFP)	M Buthelezi	2,058,294	10.54	43
Freedom Front (FF)	C Viljoen	424,555	2.17	9
Democratic Party (DP)	Z de Beer	338,426	1.73	7
Pan African Congress (PAC)	C Makwethu	243,478	1.25	5
African Christian Democratic Party (ACDP)	K Meshoe	88,104	0.45	2

(See Electoral Commission of South Africa results catalogue)

Perhaps more importantly, the results of separate but concurrent elections in the nine newly created Provinces resulted in wins for other parties and some hope from smaller parties that in future elections they may succeed in obtaining representation. In the Western Cape, the National Party won a majority of seats and this province has been, with limited exceptions, governed by a party other than the ANC since then. In Kwazulu Natal, there was a majority for the IFP. Provincial governments, although constrained in the scope of their powers and ability to raise revenue, have offered minority parties the opportunity to develop a track record and a national presence, something that should not be taken for granted in a continent where opposition parties often vanish between elections and become ever more starved of resources.

Results of the 1994 Provincial elections²⁶

PARTY	EC	FS	G	KZN	L	M	NW	NC	WC
African National Congress	<u>48</u>	<u>24</u>	<u>50</u>	26	<u>38</u>	<u>25</u>	<u>26</u>	<u>15</u>	14
National Party	6	4	21	9	1	3	3	12	<u>23</u>
Inkatha Freedom Party			3	<u>41</u>					
Freedom Front		2	5		1	2	1	2	1
Democratic Party	1		5	2				1	3
Pan African Congress	1		1	1					
African Christian Democratic Party			1	1					1
Minority Front				1					
Size of legislature	56	30	86	81	40	30	30	30	42

(see Electoral Commission of South Africa results catalogue)

In the run up to the 1994 elections, violence from the as yet unresolved IFP conflict, the continued existence of APLA, and the militarised white right continued almost to the end. With almost no exception, political violence stopped after this founding election and has not resurfaced. In an interview with Bantu Holomisa (2014), this matter was broached directly. Given his military credentials and popularity, why was it that when he was expelled from the ANC on 30 September 30 1996 before the Constitution was finalised, he did not resort to an armed rebellion? He posited two reasons: "We were advanced" in agreeing to free political activity and a constitutional democracy; and Mandela continued to hold out an olive branch, encouraging him to make his contribution to the society from outside the ANC.

In May 2014, national elections were contested by 29 parties. All of those which formed the first Parliament remain in existence, with some degree of fragmentation described above. But in each election there have been new entrants and failures, and 2014 was no exception. While the Economic Freedom Fighters (EFF) entered the elections for the first time and did relatively well, another new entrant, AgangSA,²⁷ joined COPE as a major loser, reduced to a couple of seats in the National Assembly of the Parliament. Only time will tell whether all these parties compete for the same decreasing pool of non-ANC voters, or whether they can take votes from the ANC support base itself. The initial indications from the 2014 elections

²⁶ South Africa's nine provinces were developed during the negotiations to reflect regional development nodes and to integrate existing administrative boundaries into rational sub-national regions which could have decentralised powers and legislatures. The provinces (with their current names) are: Eastern Cape (EC), Free State (FS), Gauteng (G), KwaZulu Natal (KZN), Limpopo (L), Mpumalanga (M), North West (NW), Northern Cape (NC), Western Cape (WC). Italicised and underlined numbers in this table note the governing majority in each Provincial Legislature.

²⁷ AgangSA was founded in 2013 by a former partner of Steve Biko, banned activist and then academic and World Bank Vice President Dr Mamphela Ramphele. The party will not survive their humiliating loss in the 2014 election.

are that the EFF took some votes from the ANC, while the DA once again grew on the basis of votes taken from other opposition parties. For the moment this leaves the electorate represented by the multi-racial and internally democratic ANC and DA, the primarily black and young EFF with a dominant leader and embryonic party structures, and the smaller provincially limited parties with dominant leaders such as the IFP and the UDM.

The future political landscape could thus become one in which a minority party previously opposed to (but participating in) the apartheid political state (i.e. the DA) engages directly with the last of the power contenders (ANC). However, a number of black leaders seem to believe that the DA can never shake its past or its predominantly white electorate and white political culture.

'Output' inclusivity in the South African view

The South African Constitution sets out the post-1994 commitment to inclusivity in the first lines of its preamble: "We, the people of South Africa ... Believe that South Africa belongs to all who live in it, united in our diversity." It is studiously careful in its language throughout, avoiding gender bias, ensuring that no individual or group of individuals will feel excluded, and moving rapidly in its founding provisions to the perceived exclusions of race (§1 (b)), gender (§1 (b)), citizenship (§3 (1)) and language (§6). Chapter 2 deals with a Bill of Rights which applies both 'vertically' – between the state and citizens – and 'horizontally' – between citizens.²⁸ These rights include human and political rights as well as social, economic, and cultural rights. There was a substantial debate, informed in part by the experience of the Indian constitutional court, about the extent to which socio-economic rights could be justiciable, given that they required resources that might be beyond the means of the state, and given that democratic politics was fundamentally about the application of resource priorities through consent of the voters and control of the national budget. It was finally agreed that the formulation would be based on a rising floor of expectation and delivery which could be tested.²⁹

In other words, the political settlement went far beyond merely including the power contenders into an existing political process to an intended transformation of the state and governance based on the 1996 Constitution. The period of the first parliament (1994 to 1999) was one of very substantial legislative progress in aligning the law to the Constitution.

Bantu Holomisa (author interview, 2014) ascribes the stability which followed the political settlement to agreement on the separation of powers, continued freedom of the media, a substantial social security grant system, and "the aura of Madiba".³⁰ This mix of constitutionalism, relatively progressive social policy, existing economic structure, and personal agency does seem to match the experience of others. All was only possible within the commitment to constitutionalism and rule of law, and that framework does continue.

²⁸ The Bill of Rights carefully includes and delineates those rights which apply to all persons (irrespective of citizenship) and those, such as political rights, which apply only to citizens.

²⁹ The Constitutional Court has dealt with a number of socio-economic rights, finding variously for and against the state.

³⁰ Nelson Mandela's clan name.

From included to inclusive actor: Relations with civil society

There is a continuous debate over the extent to which the ANC, as the most dominant party and now perceived as the primary liberation actor, has been able to adjust to life as a political party (Gumede 2009). Despite increasing conflict with the union movement, with a significant union withdrawing its enthusiasm for the present leadership of the ANC and new entrants into the labour field increasing its complexity, and despite widespread media criticism of the quality of the present ANC government, it seems that the loyalty which a liberation party commands has not dissipated amongst the majority of the electorate.

With voting turnouts in 2014 at around 73% with above 76% of the voting age population registered, elections are still the primary means by which citizens express their ultimate political choice. However, multiplicities of consultative processes not only allow for, but insist, on citizen participation in policy matters and in the implementation of public policy. As a result, there is no organised mass-based extra-constitutional or extra-parliamentary civic movement. What civic movements do exist, work within the framework of the Constitution, taking advantage of the Bill of Rights and the possibility for litigation up to and including the Constitutional Court.

A larger gathering of civil society organisations concerned with advocacy around the values of the Constitution, and in particular questions of political party conduct and propriety, convened in December 2013 under the rubric “Awethu” (From “Amandla ngAwethu – “Power to the people”). The group convening the gathering issued a platform in advance of the meeting, calling for a new civic initiative focusing initially on certain aspects of the election and in particular the regulation of financing. This grouping includes a broad range of civil society organisations, some dating from the UDF, others hankering back to that large civic mobilisation but it also includes groups that have emerged recently, in particular around two big issues – the treatment of miners before, during and after the Marikana massacre of miners by the police³¹ and the passing of the Protection of State Information legislation.³²

Despite the very large number of civic protests by varying and unrelated local groups of citizens, an increasing number of which have become violent, there is no evidence that these have undermined a general consensus on the present state of the political settlement and the continued dominance of the ANC, the sole power contender still holding power. What challenges they may receive in future seem still to come from participation in the electoral system which was established in 1996 and which continues to be ‘the only game in town’.

³¹ For further information on the Marikana Massacre, see the proceedings of the Judicial Commission at <http://www.marikanacomm.org.za/> (Last accessed on 24 July 2014)

³² For the civil society campaign against the ‘secrecy’ bill, see the secretariat at <http://www.r2k.org.za/> (Last accessed on 24 July 2014)

REFERENCES

African National Congress (ANC) (1992). Negotiations – A Strategic Perspective, 18 November 1992. Online at www.anc.org.za/show.php?id=4208 (Last accessed on 15 March 2014)

African National Congress (ANC) (1997). The rise and fall of Bantu Holomisa. *New Nation*, 30 May. Online at www.anc.org.za/show.php?id=2660 (Last accessed on 5 March 2014).

Inkhata Freedom Party (IFP) (n.d). Buthelezi – Tambo meeting and aftermath; the IFP position. Online at www.ifp.org.za/History/history.htm (Last accessed on 4 March 2014)

Callinicos, L. (2004). *Oliver Tambo: Beyond the Engeli Mountains*, New Africa Books.

Gumede, W. (2009). Notes from the Harold Wolpe Lecture, 30 August. Online at www.wolpetrust.org.za/dialogue2009/Paper%20-%20William%20Gumede%20-%20Harold%20Wolpe%20Lecture.pdf (Last accessed on 6 March 2014)

Kentridge, M. (1990) *An Unofficial War: Inside the Conflict in Pietermaritzburg*, New Africa Books.

Molusi, O. (2013). *Cadre*. Oberon Books.

Mosota, M. 2013. Okumu: The day I shouted down Mandela. *Standard Media*, December 8. Online at www.standardmedia.co.ke/mobile/?articleID=2000099617&story_title=okumu-the-day-i-shouted-down-mandela (Last accessed on 24 July 2014)

Slovo, J. (1992). *Negotiations: What room for compromise?* *The African Communist*, 3rd Quarter.

Truth and Reconciliation Commission (TRC) (1998). Report. Online at www.justice.gov.za/Trc/report/finalreport/Volume%202.pdf (Last accessed on 24 July 2014)

Klerk, FW (1996). Statement. Online at www.nelsonmandela.org/omalley/index.php/site/q/03lv02039/04lv02046/05lv02047/06lv02049/07lv02064.htm (Last accessed on 24 July 2014)

AUTHOR INTERVIEWS

Chief Mangosuthu Buthelezi, 4 February 2014. Mangosuthu Buthelezi is a Prince of the Zulu Kingdom, Member of Parliament and leader of the Inkatha Freedom Party (IFP).

Hon Bantu Holomisa MP, 4 February 2014. Formerly General and head of the military council controlling the Transkei homeland during the apartheid regime, Bantu Holomisa is now a Member of Parliament and leader of the United Democratic Movement (UDM).

Dr Essop Pahad, 17 January 2014. Essop Pahad was Minister in the Presidency from 1999 to 2008. A close colleague of Thabo Mbeki from his university days at Sussex University, he is now editor of the Thinker journal and the Chair of the Board of the South Africa/Mali Timbuktu Manuscripts Trust as well as Chair of the Board of Trustees of the South African Democracy Education Trust.

ACRONYMS

ANC	African National Congress
APLA	Azanian People's Liberation Army
COPE	Congress of the People
DA	Democratic Alliance
EFF	Economic Freedom Fighters
GNU	Government of national unity
IFP	Inkatha Freedom Party
MDM	Mass democratic movement
NP	National Party
PAC	Pan Africanist Congress
SACP	South African Communist Party
SADF	South Africa Defence Force
UDF	United Democratic Front
UDM	United Democratic Movement
UNIP	United National Independence Party of Zambia