CONSOLIDATING DEMOCRATIC GOVERNANCE IN THE SADC REGION:

TRANSITIONS AND PROSPECTS FOR CONSOLIDATION

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PREFACE

This research report is the culmination of a study undertaken by EISA focusing on the state of democratic governance in the Southern African region. The programme, implemented under the generic theme 'Consolidating Democratic Governance in the SADC Region', has evolved over a four-year period spanning 2003-2006. The research aims to investigate the state of democracy and governance in the Southern African Development Community (SADC) region, posing a key question as to whether or not the region has undergone democratic transition and, if so, posing a related question as to whether or not the region is firmly set on the road to democratic consolidation. The four key variables for the assessment of the state of democratic governance in this study are: representation and accountability; citizen participation; local governance; and economic management and corporate governance.

Beyond just investigating the state of transitions and the institutionalisation of democratic governance, the principal goal of this programme is to evaluate the progress that is being made in the area of democratic governance in the SADC region, to identify problems encountered by various countries and to suggest appropriate policy options for enhancing democratic governance. The specific objectives of the programme are to:

- strengthen mechanisms for data collection, providing a reliable situational analysis of the state of governance in the SADC region;
- formulate generalisable trends of democratisation in the SADC region on the basis of informed perceptions of key opinionmakers in the countries concerned;
- develop relevant and appropriate research methodologies in the governance field that would not only be useful to EISA but, indeed, to

other relevant research and policy advocacy institutions in the SADC region and beyond; and

- provide up-to-date information on comparative analyses of the governance arena in the SADC region in respect of representation and accountability; citizen participation; local governance; and economic management and corporate governance.

The critical entry point of this regional research enterprise is recognition that the entire African continent, and the SADC region in particular, has made tremendous strides towards multiparty democratic governance. It is now widely accepted that the SADC region has undergone a democratic transition away from authoritarian rule of the past – marked in the main by one-person rule, one-party rule and even military juntas of the 1960s-1980s – towards embracing and institutionalising some form of democratic governance. To be sure, although the SADC region has evidently made commendable progress in this regard, the region still faces a plethora of democratic deficits that need serious attention if democratic consolidation is to occur and endure.

This research programme therefore addresses the double edged governance dilemma, namely: challenges facing the SADC member states towards consolidating democratic governance and improving the quality of democracy on one hand; and on the other hand, the danger of complacency following recent positive political developments in the region, which could lead to new forms of authoritarianism, or in fact a reversal to old forms of authoritarianism. Thus, a situational analysis of the state and quality of democracy in each SADC member state is a useful barometer to gather scientific evidence and make an informed judgement as to whether or not democratic governance is consolidating, or whether, behind the facade of democratic rhetoric, there are possibilities for reversals or a relapse into new forms of authoritarian rule. The study is predicated upon thematic areas organised into four broad clusters as follows:

Cluster I: Representation and accountability

- The executive branch

- The legislative branch

- The judiciary

- The public service

- The security establishment

- Parastatals (public enterprises)

- Local government and decentralisation

- Traditional institutions of governance

- Gender equality in public institutions

- Leadership and governance

- Political parties

- Autonomous public institutions (such as the human rights commission, the public protector or ombudsman, the independent media commission or authority, etc.)

Cluster II: Citizen participation

- Civil society organisations

- NGO legislation

- Human rights culture (social and economic rights and political rights)

- Political participation

- Voting behaviour

- Political culture

- Political representation

- Elections

- Election administration

- Electoral system

- Election management body

- Gender and political participation

Cluster III: Local governance

- Nature of decentralisation

- History of local government

- Relations between central and local government authorities

- Local governance legislation

- Local governance institutions

- Local government elections

- Local government capacity (finance, human resource, infrastructure)

- Gender issues in local governance

Cluster IV: Economic management and corporate governance

- Development strategy

- Economic policy (macroeconomic framework)

- Social policy (social welfare strategies)

- Poverty reduction strategies

- Corruption and anti-corruption strategies

- HIV/Aids epidemic

- Budgeting

- External resource flows

- Public-private linkages

- Gender aspects of resource distribution

This first phase of the programme covered the following countries: Botswana, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.

On behalf of EISA, I would like to extend our profound gratitude to the Swedish International Development Cooperation Agency (SIDA) in Harare, Zimbabwe as well as to the Embassy of Denmark in Pretoria, South Africa for

This series of research reports is dedicated to three colleagues who passed away during the course of this programme, namely Dr Joshua Mzizi of the University of Swaziland, Professor Alfred Chanda of the University of Zambia and Nixon Khembo of the University of Malawi. These researchers played an important role in the evolution of this programme at various stages of its implementation – may their souls rest in peace.

Dr Khabele Matlosa

Regional Programme Coordinator and Series Editor

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LIST OF ACRONYMS

ABC	All Basotho Convention
AfriMAP	Africa Governance Monitoring and Advocacy Project
AIDS	Acquired Immune Deficiency Syndrome
ANC	African National Congress
APRM	African Peer Review Mechanism
AU	African Union
BDP	Botswana Democratic Party
CODESRIA	Council for the Development of Social Science Research in Africa
DPP	Democratic Progressive Party
DRC	Democratic Republic of Congo
EISA	Electoral Institute of Southern Africa
FPTP	First Past the Post
HIV	Human Immunodeficiency Virus
IDASA	Institute for Democracy in South Africa
IDEA	International Institute for Democracy and Electoral Assistance
LCD	Lesotho Congress for Democracy
LWP	Lesotho Workers Party
MDC	Movement for Democratic Change
MEC	Malawi Electoral Commission
MMD	Movement for Multi-party Democracy
MMP	Mixed Member Proportional
MPs	Members of Parliament
MPLA	Popular Movement for the Liberation of Angola
NEPAD	New Partnership for Africa's Development
NEPRU	Namibia Economic Policy Research Unit
NIP	National Independence Party
OSI	Open Society Initiative
PR	Proportional Representation

SADB	Southern African Democracy Barometer
SADC	Southern African Development Community
SWAPO	South West Africa People's Organisation
UDF	United Democratic Front
UK	United Kingdom
UNDP	United Nations Development Programme
UNECA	United Nations Economic Commission for Africa
UNITA	Union for the Total Independence of Angola
USA	United States of America
ZANU-PF	Zimbabwe African National Union – Patriotic Front
ZESN	Zimbabwe Election Support Network

EXECUTIVE SUMMARY

The main point of departure for this regional research enterprise is the recognition that the entire African continent and the SADC region in particular, have made tremendous strides towards the embracing and institutionalisation of multi-party democratic governance. This trend has been manifest since the late 1980s and early 1990s forming part of the global wave of democratisation. This study recognises the stark reality that the SADC region has undergone a democratic transition away from authoritarian rule of the past marked, in the main, by one-person rule, one-party rule and even military juntas of the 1960s-80s, towards the establishment of democratic governance. Although the SADC region has evidently made commendable strides towards democratic governance, the region still faces a plethora of democratic deficits that still need serious attention if democratic consolidation is to occur and endure. To be more precise, not all SADC countries have undergone democratic transitions. Even those countries that have undergone democratic transitions exhibit different tendencies towards democratisation. So, generally, the regional trend of democratisation is a mixed bag.

A situational analysis of the state and quality of democratic governance in each one of the SADC member states is a useful guide or barometer for us to gather evidence and make informed judgments as to whether or not democratic governance is consolidating, or whether there are possibilities for reversals or relapse into new forms of authoritarian rule, behind the façade of democratic rhetoric. Clearly a few SADC member states are long-enduring and stable liberal democracies (Botswana and Mauritius); a majority of them have indeed undergone democratic transition in the recent past (DRC, Lesotho, Malawi, Mozambique, Namibia, South Africa, Tanzania and Zambia) and in a few others democratic transition has stalled or is in a state of reversal (Angola, Swaziland and Zimbabwe). In addition, within each of these

three broad categories, there are crucial variations and nuances on the theme of democratic transition. The evidence from this research, therefore, points to the reality that making broad generalisations about the state of democracy in Southern Africa may be misleading. There are different patterns and trajectories of the democratisation path each country has been taking, while some countries are still far behind on the road of transition and consolidation.

Drawing from a plethora of literature and observed political trends in each one of the SADC states, this report uses a regime classification which informs the distinctiveness of its political regime, itself a proxy of the state of democracy:

- Closed authoritarian regimes (i.e. unreformed autocracies);
- Electoral authoritarian regimes (façade democracies);
- Electoral democratic regimes (regimes that reduce democracy to simple electioneering); and
- Liberal democratic regimes (regimes that allow for room for promotion of civil liberties and political rights in between regular elections).

While this report acknowledges the significance of political rights and civil liberties in the process of institutionalisation and consolidation of democracy, it also recognises the centrality of socio-economic rights to the democratisation project. Democracy is inconceivable without sustainable human development. The assessment of the state of democracy in the SADC region in this report is confined to the four main components namely:

- Representation and Accountability;
- Citizen Participation;
- Local Governance;
- Economic Management and Corporate Governance.

Depending on the type of regimes in place and the degree of 'democraticness' various SADC member state are confronted with different kinds of challenges in respect of the above four key issues which constituted the main fulcrum of this research enterprise.

1

INTRODUCTION

*Throughout the nineteen century, theorists of democracy found it quite natural to discuss whether one country or another was "fit for democracy". This thinking changed only in the tintieth century, with the recognition that the question itself was wrong: A country does not have to be deemed fit **for** democracy; rather it has to be fit **through** democracy[1].*

The above quotation from a renowned Indian political economist and a Noble Peace Laureate, Amartya Sen, captures the main concern of this study. The fundamental question being posed is not whether Southern African states are "fit for democracy", but rather whether they are increasingly becoming "fit through democracy". From this stand-point, this research report, therefore, investigates the various trajectories of political transitions and prospects for the consolidation of democracy in Southern Africa. It presents a general overview of the governance situation by the focusing on selected countries belonging to the Southern African Development Community (SADC). The regional overview itself draws its overall conceptual thrust from the original concept paper prepared by this author[2] and introduces comparative insights drawn from the various country reports. The main preoccupation of this overview report (and indeed of the whole programme) is to investigate the state of democracy and governance in the SADC region with a view to establishing:

- Whether the region (and individual countries) has undergone democratic transition;
- Whether the region (and individual countries) is firmly set on the road to the consolidation of democracy, political stability and socio-economic development;

- Whether the region (and individual countries) have also experienced stalled/blocked transitions; and

- Whether democratic transition in the region (and in individual countries) is also reaching into the sphere of economic transition and socio-economic transformation.

It should be emphasised, from the onset, that while this study is the first kind of its nature in Southern Africa, comparable initiatives exist elsewhere (e.g. UK Democratic Audit, IDEA Democracy Assessment, OSI AFRIMAP, UNECA Africa Governance Project, IDASA democracy Index etc). While the majority of these earlier initiatives have focused attention principally upon liberal democratic notions of political control and political equality, this EISA initiative, while recognising the significance of these two principles in democratic governance, deliberately extends the discourse to encompass socio-economic equality. This approach is meant to highlight the challenge confronting the SADC region in respect of achieving democracy and development in tandem and, in the process, not only opening the political space for multiparty competition and civil liberties, but also improving the daily livelihoods of people and communities. Therefore, whereas the UK Democratic Audit and the IDEA Democracy Assessment would emphasise two principles namely political control and political equality, we have added the third principle of socio-economic equality. This is an important principle especially in the African context where states are confronted with a daunting challenge of achieving democracy and development simultaneously, while at the same time ensuring security and political stability. This conundrum speaks to the challenge facing African states in general, and Southern African states in particular, in transcending liberal democracy and striving towards developmental democracy. This presupposes that democratic transition has taken place in the majority of these states. The study explores this question. After establishing whether transition has taken place, then the discussion

moves to exploration of the state of democracy in the region and in individual countries.

Four key variables for the assessment of the transition process and the state of democratic governance ire delineated. Firstly, the assessment of the state of representation and accountability is meant to highlight the extent of political control of the rulers by the governed with a view to illuminate the nature of state-society relations. Secondly, the assessment of the process of citizen participation is meant to explore the extent of political equality with a view to illustrating the role and position of ordinary citizens in the overall governance process. Thirdly, the assessment of the state of local governance unravels both political control and political equality with a view to ascertain the degree of democracy at local level. Fourthly, the assessment of economic management and corporate governance is meant to provide evidence of the extent to which democratic change, or lack thereof, impacts on economic development and the daily livelihoods of people and communities.

The report is divided into six sections. Section one provides the contextual framework for the programme on consolidating democratic governance in the SADC region. Section two introduces the conceptual and epistemological framework and in the process defines the problem under investigation in this programme. The problem prompted the development of this programme and, to a large measure, programme implementation sought to discover or identify possible solutions to the problem. The third section introduces the methodology used to gather and analyse the data. The fourth section reviews related initiatives aimed at assessing the state of democracy elsewhere in the world and within that discussion then situates the relevance and uniqueness of this EISA initiative. The fifth section elaborates on the democracy assessment framework for the SADC region. The sixth section presents major findings of the research in three main sub-sections (a) political transitions in SADC; (b) state of democracy in SADC and (c) comparative insights of

democratic governance in SADC relating specifically to the four main components of the study (i.e. representation and accountability; citizen participation; local governance and economic management and corporate governance. The conclusion sums up the main arguments and observations emanating from the study.

2

CONTEXTUAL FRAMEWORK

Since the early 1990s, many Southern African states have been faced with a challenge of institutionalising democratic governance following transitions from various types of authoritarian regimes. In a sense, a majority of these states have embarked on the road towards democratic governance. Be that as it may, embarking on a road to democracy is one thing and sustaining a democratic moment is quite another. Put somewhat differently, it is easy to put together a democracy roadmap and begin a journey on a democratic path, but rather difficult to ensure that the democratic momentum is both sustainable and irreversible. Tom Lodge captures this dilemma poignantly as follows: "starting democracy is easier than keeping it. This contention is especially relevant to the early history of post-colonial Africa. Between 1960 and 1970 about fifty states acquired independence as ill as various kinds of liberal constitutional arrangements; by the end of the decade all but a fraction were governed either by military dictatorships or one party systems with at best limited democratic pretensions"[3].

Could a democratic reversal of this nature repeat itself? Maybe not, but what possibilities exist for reversal of the current democratic wave (to borrow Samuel Huntington's phrase) in Africa as a whole and Southern Africa in particular? Be that as it may, is there a democratic wave underway after all? Democracy and governance scholars are divided over whether or not what has been happening in Africa since the 1990s amounts to democratisation. While some argue that the process that has taken place is simply tantamount to political liberalisation devoid of democratic content[4], others, including this author, argue that the recent political changes, although limited to merely procedural or formal democracy and not substantive democracy, do amount to what is often referred to as democratic transition. [5]

While recognising that the Huntingtonian third wave of democratisation has swept through the SADC region in the last couple of decades, we are perfectly cognisant of the reality that democratic transition is distinct from democratic consolidation, as will become clear later in this discussion. Pretty much the same way as much of the region has been undergoing a wave of democratisation, the democracy discourse has also experienced some paradigmic waves. While in the early 1990s, the discourse focused principally on transitions, there has been a paradigm shift towards inquiry into progress towards democratic consolidation and an inquiry into then what type of 'democracy' each country has assumed. Thus, the democracy debate has been dominated initially by 'transitologists'(1990s) and 'consolidologists'(to date), to borrow the concepts used by Croissant and Merkel.[6] While 'transitologists' investigate the "conditions and modes of transition from dictatorship to democracy, 'consolidologists' inquire into causes, conditions and models of the consolidation of young democracies."[7] It is this last genre of democracy discourse that has triggered enormous interest in democracy assessment in the post-cold war world order. This present study is part and parcel of this current epistemological enterprise, and is aimed at auditing and assessing the state of democracy in the SADC region.

The critical entry-point of this regional research enterprise is the recognition that the entire African continent and the SADC region in particular, have made tremendous strides towards an embrace and institutionalisation of multi-party democratic governance. It is now widely accepted that the SADC region has undergone a democratic transition away from authoritarian rule of the past marked, in the main, by one-person rule, one-party rule and even military juntas of the 1960s-80s, towards embracing and institutionalising democratic governance. To be sure, although the SADC region has evidently made commendable strides towards democratic governance, the region still faces a plethora of democratic deficits that still need serious attention if democratic consolidation is to occur and endure.

The rationale behind this EISA governance research project, therefore, was primarily to explore:

- The state of democracy in the SADC region through selected case studies;
- Progress made thus far especially since the 'age of democratisation' that began in the early 1990s;
- Democracy deficits or problems that still exist and need appropriate policy responses;
- Suggestions of necessary policy/institutional reform measures required to address and redress the democracy deficits; and
- Comparative analysis of transition trajectories and regime types and their meaning for the state of democracy in individual countries and the region at large.

Thus, a situational analysis of the state and quality of democratic governance in each one of the SADC member states is a useful guide or barometer for us to gather evidence and make informed judgments as to whether or not democratic governance is consolidating, or whether there are possibilities for reversals or relapse into new forms of authoritarian rule, behind the façade of democratic rhetoric. It will become clear in the next pages that a few SADC member states are long-enduring and stable liberal democracies (Botswana and Mauritius); quite a majority of them have indeed undergone democratic transition in the recent past (DRC, Lesotho, Malawi, Mozambique, Namibia, South Africa, Tanzania and Zambia) and in a few others democratic transition has stalled or is in a state of reversal (Swaziland and Zimbabwe). In addition, within each of these three broad categories, there are crucial variations and nuances on the theme of democratic transition. The evidence from this research, therefore, points to the reality that making broad generalisations about the state of democracy in Southern Africa may be misleading. There are different patterns and trajectories of the democratisation path each country

has been taking, while some countries are still far behind on the road of transition and consolidation. Even the two notions of transition and democracy consolidation are not only nebulous, but still remain problematic and hence controversy-ridden in the current democracy discourse. It is to this that we turn in the next section.

3

CONCEPTUAL FRAMEWORK

Before delving into the main problem under investigation, it is worth explaining the concept 'democracy'. While democracy has proved a fairly nebulous term to grasp, there is a fair amount of consensus in the literature in respect of its main features and its universal application. Following on the footsteps of Todd Landman's analysis,[8] we propose to define (or should we say explain) democracy in three different ways.

Firstly a minimalist definition (explanation) of democracy locates the theory and practice of democracy around two principles or values namely **political competition or contestation** and **participation**. The notion of competition or contestation "captures the uncertain peaceful competition necessary for democratic rule, a principle which presumes the legitimacy of some opposition, the right to challenge the incumbents… the existence of free and fair elections and a consolidated party system." [9] The notion of participation presupposes political control of the citizens over the people who govern on their behalf. This notion 'captures the idea of popular sovereignty which presumes the protection of the right to vote as ill as the existence of universal suffrage'.[10] This is what is often referred to as **procedural democracy** or **electoral democracy.[11]**

Secondly, the liberal notion of democracy transcends procedural democracy and extends its essence beyond just contestation and participation to include the protection and promotion of political rights and civil liberties. It includes other institutional dimensions (guarantees) such as accountability, transparency, constraint over leaders, representation of citizens, rule of law, property and minority rights. It places high premium on **institutional dimensions** of democracy. This is what **liberal democracy** is all about.[12]

Thirdly, the **social-structuralist** definition of democracy extends the theory and praxis of democracy beyond both the proceduralist/electoralist and institutionalist dimensions found in the earlier two conceptualisations and introduces the **socio-economic dimensions** and **structural configuration of power**. While maintaining the proceduralist and institutionalist dimensions of democracy, the social-structuralist definition of democracy places a premium on social and economic rights and social power relations in society. This is the defining feature of **social democracy** or what others would equally term **developmental democracy**.[13]

In a nutshell, a useful approach to our understanding of democracy in Southern Africa is to have in mind these three epistemological ideations, namely that (a) at the very minimum democracy is simply just procedural and limited to elections; (b) at a slightly higher level, the institutional dimensions of democracy have emphasised its liberal form with emphasis on civil and political rights (as Freedom House does) and (c) at another relatively higher ideational level, social-structuralist perspectives of democracy conceive of the system in its socio-economic characteristics and the concomitant social configuration of power. While at a casual glance, a number of SADC countries have embraced multiparty democracy, at close scrutiny, there are variations of their state of 'democraticness'. It is, therefore, worth investigating whether following transitions in some SADC countries, they are becoming fit through democracy or whether there are cases of democratic stalemate/stagnation or even reversals.

 The research problem under investigation in this study thus rotates around transition and democratic consolidation. Simply stated, the problem is that while political transitions have happened in some countries in the region, this has not happened in others. Even in those where political transition has happened, countries still exhibit variations in terms of their 'democraticness'. This brings a related problem, namely the extent to which democracy is being

nurtured and consolidated in countries where transition has taken place. Controversy still surrounds the exact meaning of the often nebulous notion of democratic consolidation. To be sure, a plethora of literature on the democracy debate suggests that heated academic exchanges still rage regarding exactly what constitutes consolidation in the democratic process[14] While some scholars would argue that a country could be said to have achieved democratic consolidation if it is able to hold more than two successive and successful elections that produce a legitimate government, others argue that the frequency and number of elections may not be a sufficient condition, but rather that a country has to experience a smooth 'regime change' or power alternance and still enjoy political stability.[15] For instance, Agyeman-Duah[16] suggests that there are basically three main typologies of elections following a transition from an authoritarian to a democratic government, namely (a) transitional elections i.e. the first election following dictatorial rule; (b) the test of democracy elections in the form of the second election following the transition; and (c) consolidating elections i.e. the third successive election subsequent to the transition.

Both types of ideation (namely the frequency of elections logic and regime change/power alternance logic) have their own arguments canvassed in order to justify their entry point in the current debate on the democratic process in Africa. According to Larry Diamond, democratic consolidation intrinsically presupposes not only legitimate and institutionalised governance, but also enhanced civil society participation in the governance process itself. He further argues that consolidation "involves behavioural and institutional changes that normalise democratic politics and narrow its uncertainty. This normalisation requires the expansion of citizen access, development of democratic citizenship and culture, broadening of leadership recruitment and training, and other functions that civil society performs. But, most of all, and most urgently, it requires political institutionalisation." [17]

That institutions matter greatly for democratic governance brooks no controversy today. As Alence also reminds us "dysfunctional political institutions and governance bear much of the blame for the region's disappointing economic performance, hindering the successful pursuit of any development strategy." [18] Kempe Hope corroborates Diamond and Alence by arguing that the critical role of institutions in the governance process looms large in academic and policy discourse. In his own words: "the existence of weak institutions of economic and corporate governance, as a constraint on sustainable development in Africa is clear and convincing. This has accordingly, limited the public sector in the fulfilment of its economic functions." [19]

Besides institutional bottlenecks, Samuel Huntington, suggests, however, that third wave democracies face grave problems of sustainability and consolidation, especially in three related areas: (a) transition problems particularly in regard to how to deal with authoritarian officials who violated human rights, which he refers to as the 'torture problem' and how to professionalise the security establishment and bring it firmly under civil control, which he refers to as 'the praetorian problem'; (b) contextual problems relating to the nature of the economy, the political culture and political history etc; and (c) systemic problems emanating from the internal workings of a democracy such as centralisation of power, personalisation rather than institutionalisation of politics, hegemonic politics and domination by vested economic interests.[20]

A cursory survey of existing literature suggests that we are able to isolate two major schools of thought in the discourse on democratic consolidation. The first is the institutional approach which tends to focus attention on "evaluating the performance of political practices and institutions and the degree to which they become 'institutionalised' or 'habituated' in the political system, as ill as how the best procedures and institutions can be crafted

through constitutional design."[21] The second is the political culture approach which teases out public attitudes and values of the citizenry *vis-à-vis* democratic governance, culture and practice. According to the IDASA Southern African Democracy Barometer (SADB) *the basic assumption here is that regardless of how ill designed its political institutions and processes, a sustainable democracy requires people who are willing to support, defend and sustain democratic practices. In other words, a democracy requires democrats; it requires citizens…. [I]If political institutions are the 'hardware' of a democratic system, what people think about democracy and those institutions constitute the 'software' of that system. And as all systems designers know, software is just as important as hardware.*[22]

While we concur largely with the above analysis by Agyeman-Duah, Larry Diamond, Samuel Huntington and IDASA, our entry point in this study is that consolidation of Africa's current democratic process should be judged more by the extent to which democracy itself improves the socio-economic ill-being of the people irrespective of the frequency of elections and/or whether or not there is power alternance in a given country. In other words, yes, institutions matter (the hardware of democracy) and, yes, political culture matters (the software of democracy), but at the heart of democratic governance should be the socio-economic condition of ordinary citizens. Is democracy improving socio-economic wellbeing of the people? Or is democracy worsening the socio-economic ill-being of the people? Or is this perhaps not really making a difference? These questions take us back to the three principles of democracy upon which this study is predicated and even at the risk of repetition these are (a) political control; (b) political equality; and (c) socio-economic equality. It also takes us back to the three main definitions of democracy namely (i) procedural democracy, (ii) institutional democracy and (iii) substantive democracy. All three principles and the three definitions should be accorded equal emphasis in any assessment of the state of democratic governance in Southern Africa. So far, while the first two

principles and the first two definitions have received enormous attention in the existing literature and policy discourses, the notion of substantive democracy which accords due regard to socio-economic rights has received less attention, either by design or default, or not specifically in relation to the democracy and democratisation literature. It is evident from this research that if a balanced approach to an assessment of the state of democratic governance is to be achieved, then all three principles of democracy and the three ideations of democracy should be given equal treatment both in concept and policy application.

4

RESEARCH METHODOLOGY AND LIMITATIONS OF THE STUDY

The study proceeds from the three main hypotheses and the five related research questions. The three hypotheses upon which this study is built are as follows:

- While democratic transitions have occurred in a majority of SADC countries, others still lag behind;
- Even in the majority of SADC countries where the transitions have occurred, institutionalisation and consolidation of democratic governance remains a huge challenge;
- Given various trajectories of transitions, SADC countries exhibit different regime types, with differing implications for institutionalisation and consolidation of democratic governance; and
- Democratic transition and governance trajectories in SADC region (and in individual countries) are limited to the political sphere and fail to reach into the sphere of economic transition and socio-economic transformation.

These four hypotheses form the linchpin of the discussion that runs through this report. Based on the four main components of the programme (i.e. representation and accountability; citizen participation, local governance and economic management and corporate governance) and the main hypotheses above, the study then posed five broadly distinct, albeit interrelated, theoretical and practical research questions, namely:

- Has democratic transition occurred in the SADC countries since the 1990s?

- How institutionalised and sustainable is the democratic transition so far or is it reversible?

- What type of political regime exists in a given country and does such a regime qualify such a country as a democracy?

- Is democratic governance consolidating?

- What reform measures are required to avoid democratic reversals and strive towards deepening, nurturing and consolidating democracy?

Our starting point is that there is a linkage between transitions and democratisation processes in the SADC region. In order to assess this proposition we have to establish whether the political transitions of the 1990s and early 2000s in the SADC region have enhanced the institutional framework for deepening democratic governance.

In assessing the transition trajectories and the state of democracy in each SADC country, we aim to discover the linkage (either causal or incidental) betien political transition and democratic consolidation. To this end, our analysis was guided by the interrelationships between the following variables: (a) the prevailing political system formed the independent variable; (b) the political transition constituted the intermediate variable and (c) the four dependent variables ire political representation, citizen participation, socio-economic progress and decentralisation.

Research for research's sake is an exercise in futility. All research endeavours ought to aim at concrete outcomes in terms of influencing or changing societal behaviour, attitudes (of elites and ordinary people) and policy perspectives as part of positive transformation of society. Thus, social science research in general and governance research in particular should not be undertaken for academic purposes alone, in abstract fashion, using high-flying jargon incomprehensible to both policy makers and the ordinary people in Africa. Yes, granted, this does not in anyway suggest that a theoretical engagement in

governance research should be abandoned, but rather that this should be done in such a manner that it does not detract the research enterprise from social relevance and responsiveness. Neither does this suggest that high quality scientific rigor in governance research needs to be scaled down, but rather that scientificity of research ought to be complemented by actual development orientation and policy relevance of the research process and its specific outcomes.

Much as research is all about knowledge creation, it is also about positive social change. Research confined to abstract theory and philosophy with little bearing on social conditions of the people reduces people to objects rather than subjects of its analysis and its findings. Such research enterprise runs the risk of confining governance discourse to ivory tower academic debate beyond the reach of the people who, in essence, are supposed to be subjects rather than mere objects of the research. This research exercise is meant to be socially responsive and not merely theoretical or philosophical, although theory has informed much of the analysis and research findings in this programme.

Research methods are as good as the outcome of the research exercise; in other words, the poorer the methodology, the poorer the research results. If methods are poor, the analysis and research results are likely to be of poor quality and thus lacking usefulness for both academic purposes *per se* and also in terms of influencing positive policy change and social advancement of the lives of communities. However, choosing a relevant method for a specific governance research enterprise is dependent upon a plethora of factors. Suffice to mention that as a rule there is no specific method that could be considered useless or perfect, because all methods are context specific. It should be noted, though, that methods in governance research remain a contested terrain. This study adopted a two-pronged approach namely (a) comparative analysis and (b) the case study approach. Data collection

included literature-based research and opinion-based research. Literature-based research involved mainly desk research and opinion-based research involved expert opinion surveys.

This is because there is no single methodology that could be considered the most useful one for effective results? Hence, Baker reminds us that "in addition to the disagreement over defining democracy, there is no agreement either about a methodology for comparing them, hence so many publications on Africa's democratisation following constitutional change are no more than a collection of individual case studies"[23] It is worth noting, though that this study intends to combine both qualitative and quantitative methodologies in exploring the state of democratic governance in the SADC region. Often, the governance research has remained in the qualitative mould for quite a long time, but increasingly this trend is shifting since the recent past. Munck and Verkuilen remind us that "the study of democracy – a core concern within comparative politics and international relations – increasingly has drawn on sophisticated statistical methods of causal inference. This is a welcome development, and the contributions of this quantitative literature are significant." [24]In order to enhance the scientific rigour of quantitative research on governance, Munck and Verkuilen propose the framework below (see Table 1).

Table 1: A Framework for Analysis of Governance Data: Conceptualisation, Measurement and Aggregation

Challenge	Task	Standard of Assessment
Conceptualisation	• Identification of attributes • Vertical organisation of attributes by level of abstraction	• Concept specification: avoid maximalist definitions (the inclusion of theoretically irrelevant attributes) or minimalist definitions (the exclusion of theoretically relevant attributes • Conceptual logic: isolate the levels of the concept tree and avoid the problems of redundancy and conflation

Measurement	• Selection of indicators • Selection of measurement level • Recording and publicising of coding rules, coding process and disaggregate data	• Validity: use multiple indicators and establish the cross-system equivalence of these indicators; use indicators that minimize measurement error and can be cross-checked through multiple sources • Reliability
Aggregation	• Selection of level of aggregation • Selection of aggregation rule • Recording and publicising of aggregation rules and aggregation data	• Validity: maximize homogeneity within measurement classes with the minimum number of necessary distinctions • Reliability • Replicability

Source: Munck and Verkuilen, 2002:6

The value of the methodology suggested by Munck and Veruilen above is that it combines qualitative and quantitative assessments of the state of governance. In this study, the methodology used was deliberately qualitative and not quantitative due primarily to resource and time constraints. This study was more exploratory with a view to depict a situational analysis of the democratic transitions and state of governance in the SADC region. The qualitative approach used in this study was two-pronged: (a) desk research and (b) expert opinion survey.

Desk research (literature survey)

This component of the methodology involved the review of secondary material by way of written publications, laws, and policies in each country around the key focal points of the project. Data was collected using a generic questionnaire aimed to assist researchers to frame the state of governance in selected SADC countries on the basis collection and synthesis of already existing knowledge.

Expert opinion survey

This component involved collection of data from a purposively selected group of experts (i.e. individuals who, given their positions and public standing, influence public policy). These experts are high-level respondents who are considered critical opinion makers. In other words, this aspect of the methodology aimed to capture opinions of the elite group in each country. A total of 25 respondents were used to gather factual information on the state of governance in each country. A specific questionnaire was prepared and administered to gather the opinions of the expert group in a systematic fashion.

Scope of the study

The essence of the study is premised upon three main principles of democracy, namely political control, political equality and socio-economic equality. The study is guided by a specific focus on key indicators for assessing democracy in the region. The indicators chosen for the study are a carefully selected set of variables that are seminal to democratic governance and its consolidation. The study is therefore predicated upon the thematic areas of:

- Representation and Accountability
- Citizen Participation
- Local Governance
- Economic Management and Corporate Governance

The above clusters formed part of the data collection and analysis and informed the preparation of country reports. However, it was noted that the country-level discussion would be incomplete without due regard for global and regional developments. As a result, a conscious decision was made that

as much as possible, country teams should try to locate their analysis in the context of both global and regional contexts.

The macro-level (global) dimensions of governance ire to be treated more as contextual background required in understanding the state of democracy in the SADC region in term of the influences of exogenous factors that have a bearing on the region's political development. However, with hindsight, the amount of information collected and analysed in the country reports was so extensive and comprehensive that little information was presented on regional and global dynamics with bearing on democratic governance at micro-level nation-states.

It is within the background of existing democracy assessment frameworks in Africa, as ill as other parts of the world, that the analytical framework developed by EISA can better be understood and its contribution to the on-going democracy discourse appreciated. The next section offers a comparative assessment of these frameworks.

5

REVIEW OF RELATED DEMOCRACY ASSESSMENT FRAMEWORKS

In this section, we provide a synoptic overview of other related democracy assessment frameworks developed by the United Nations Economic Commission for Africa (UNECA),[25] the International IDEA,[26] Africa Governance Monitoring and Advocacy Project (AfriMap) developed by the US-based Open Society Initiative (OSI), the Democratic Audit framework developed by David Beetham for assessing and measuring democracy in the United Kingdom[27] and the IDASA democracy index.[28]).

African Governance Monitoring and Advocacy Project (AfriMAP)

The Africa Governance Monitoring and Advocacy Project (AfriMAP) is an initiative of the Open Society Initiative (OSI) aimed at monitoring compliance by African states to commitments and declaration on democratic governance through both sub-regional, continental and international treaties and conventions. The AfriMAP mission is to:

- Promote the observance by African states and donor institutions of African and international standards relating to democratic governance in order to help make real the new commitments by the African Union to improve the situation of Africa's peoples;
- Produce and facilitate high-quality research into respect for international standards relating to human rights, the rule of law and accountable government on the African continent;
- Promote the critical role of civil society in independent monitoring and advocacy on government and donor performance with respect to human rights, the rule of law, and accountable government; and

- Complement and expand upon the NEPAD peer review mechanism's monitoring efforts and evaluating the impact of the NEPAD peer review process on the policies of the states reviewed.

The initiative aims to investigate how African states aim to deliberately turn political commitment to NEPAD, AU and the African Peer Review Mechanism is translated into political practice and a living culture. The focus of AfriMAP revolves around three governance themes namely:

- Justice sector and the rule of law;
- Political representation; and
- Civil service accountability and transparency

The AfriMAP has already developed its questionnaire covering the above topics aimed at collecting relevant information which will assist determine compliance of governments to international standards for democratic governance. The questionnaire is organised along the following broad areas:

- Constitutional Framework;
- Equal Citizenship;
- Participation in the Policy Process;
- Elections;
- Political Parties;
- National Assembly;
- Regional and Local Government; and
- Financial institutions and foreign governments

The pilot phase of the AfriMAP will focus on four countries that have signed up on the African Peer Review Mechanism (APRM) namely Senegal, South Africa, Mozambique and Ghana.

The UK Democratic Audit

The Human Rights Centre based at the University of Essex, has developed the Democratic Audit of the United Kingdom under the leadership of David Beetham and Todd Landman, both co-directors of the Centre. The latest report on this Audit has recently been published under the theme *Democracy under Blair-A Democratic Audit of the United Kingdom (2002). The Democratic Audit-UK* focuses upon political governance and its main distinguishing features of political democracy are:

- Free and fair elections providing a platform for popular control over government, electoral choice, open access to political office and equality between electors;
- Open and accountable government guaranteeing rule of law and responsive decision-making;
- Civil and political rights and freedoms enabling citizens to associate freely with others the creation of an informed public opinion; and
- A democratic society where there is agreement on the political nation; a flourishing of independent and accountable associational life; social inclusion and a democratic culture of tolerance, non-violence, participation and trust.[29]

The Audit aims to examine the following aspects of governance:

- The Electoral Process;
- The Openness and Accountability of Government;
- The Civil and Political Rights; and
- The Democratic Society[30]

Accordingly, the structure of the assessment is four-pronged as follows:

Block 1: nationhood and citizenship; the rule of law; civil and political rights; economic and social rights;

Block 2: free and fair elections; democratic role of political parties; government effectiveness; civilian control of the military, police and intelligence services; minimising corruption;

Block 3: the role of the media; political participation; government responsiveness; decentralisation and local government;

Block 4: international dimensions of democracy including issues of government autonomy from external control and government support for democracy and human rights abroad.

International IDEA's Democracy Assessment Framework

In the 2001, the International IDEA based in Stockholm, Siden started developing its own democracy assessment framework. Coordinated by Patrick Molutsi of Botswana, then project manager at IDEA, the project was undertaken by David Beetham (University of Essex), Sarah Brackling (University of Leeds), Iain Kearton (University of Leeds) and Stuart Iier (University of Essex) The outcome of the project was the *International IDEA Handbook on Democracy Assessment* which was published in 2002.[31] The rationale for developing this framework is stated as follows: "with the wide-spread establishment or re-establishment of democratic forms of government in all regions in the 1990s has come a desire to assess how ill they are doing, and how much progress has in fact been made.[32]" The IDEA framework is premised upon five democratic principles namely, participation, authorisation, representation, accountability, transparency, responsiveness and solidarity. The assessment framework covers the following four thematic areas:

- Citizenship, Law and Rights;

- Representative and Accountable Government;

- Civil Society and Popular Participation; and

- Democracy beyond the state

The assessment framework, which in many respects resembles the UK Democractic Audit, has been put to the test in eight countries across the globe namely Bangladesh, El Salvador, Italy, Kenya, Malawi, New Zealand, Peru and South Korea.[33]

UNECA's Africa Governance Monitoring Project

The UNECA democracy assessment framework was developed through a study on 'Monitoring Progress Towards Good Governance in Africa' undertaken between 2002 and 2004. The study assessed the state of governance in Africa using a three-pronged methodology namely (a) The National Expert Panel; (b) The Household Survey; and (c) the Desk Research. This study focused on the following broad themes: (a) political representation; (b) economic management and corporate governance; and (c) institutional effectiveness and accountability.[34]

Firstly, political representation is one of the key cornerstones of democratic governance given that essentially it is one of the indicators of the levels of the participative nature and the degree of inclusivity of any political system. This component of the UNECA governance study focused on various aspects of political representation including, *inter alia*, key landmarks of the political history; regime type and political structures; social inclusiveness and political participation; gender representation; legitimacy of the political framework; political parties; and the electoral process and electoral system.

Secondly, any research and/or discussion on good governance would be undoubtedly incomplete if it ire to leave out economic management of public affairs. There has been a tendency in much of the current academic and policy discourses on governance to erroneously assume that governance issues rotate primarily upon the political framework of managing the public affairs. This has obviously led to a rather skewed and partial treatment of the governance issue both at the level of research and policy making with dire consequences for democratic consolidation in Africa as a whole. With the benefit of hindsight, it is only fair to observe that a balanced discussion and research on governance must, of necessity, cover both the political and economic spheres of the management of public affairs. It is in the vein that this research also covered the often times neglected issues around economic governance. The focus of the UNECA Study in this area revolves around the nature of the economic system; the enabling policy environment and regulatory framework; public financial management and accountability; integrity of monetary and financial systems; private sector development; accounting and auditing systems.

Thirdly, ingredients of institutional effectiveness and accountability are many and varied. These include, representation, transparency, participation, human rights, rule of law, institutional effectiveness and accountability. This component of the UNECA governance study is therefore relevant in that it teases out some of the key elements of a working democracy. Institutional effectiveness essentially speaks to the degree to which a political system is driven and propelled by robust and working institutions and as such not derived from personalities of the political elite as it ire. There is abundant evidence to suggest, in fact, that the African continent has had its (un) fair share of deleterious personality politics especially during the heyday of mono-party rule, one-person regimes and military juntas of the past two decades. These types of political system are, in part, to blame for the authoritarian type of governance that the continent experienced during that

period much to the detriment of democracy, political stability and, indeed, economic development itself. This research component covered the meaning and relevance of governance; checks and balances; respect for the rule of law; the workings and interrelationships among key organs of the state namely the legislature, the judiciary and the executive arms of government; access, quality, gender dimensions of service delivery institutions; role of non-state actors; policy environment for capacity building; Capacity gaps within both state and non-state sectors.

Following a review of the state of governance in 28 African countries, the UNECA study concluded that democratic governance requires capable and accountable states and to this end the following challenges should be tackled head-on:

- Strengthening parliaments;
- Deepening legal and judicial reform;
- Improving public sector management;
- Expanding service delivery;
- Removing bottlenecks to private enterprise;
- Promoting e-governance;
- Fostering responsible media;
- Leveraging traditional governance;
- Attacking HIV/AIDS; and
- Getting partners to live up to their commitments (UNECA, 2004:vi-vii)

The relationship between this UNECA initiative and the NEPAD governance programme including the African Peer Review Mechanism (APRM) still remains rather obscure.

IDASA's Democracy Index

The South Africa-based Institute for Democracy (IDASA) has also developed its own democracy assessment instrument that has just been put to the test in

evaluating South Africa's ten (10) years of democracy between 1994 and 2004.[35] Developed under the stewardship of Paul Graham, Robert Mattes and Richard Calland, the IDASA framework covers the following areas:

- Participation and democracy;
- Elections and democracy;
- Accountability and democracy;
- Political freedom and democracy; and
- Human dignity and democracy.

Undoubtedly, the IDASA Democracy Index, outlined above, has been influenced heavily by the UK Democratic Audit and bears a strong affinity to the Afrobarometer that IDASA itself coordinates and which is aimed at gauging public opinion on a variety of governance and development issues throughout the African continent.

While there is evidently an emerging consensus within the democracy discourse on the conceptualisation of both democratic transition and democratic consolidation, there is yet no firmly established consensus on measuring progress in the governance arena and the quality of democracy underway in various countries and regions. Bearing in mind, the existing democracy assessment frameworks, the one that we propose in this project still emphasises procedural and institutional aspects of democracy. But it goes a step further to emphasise the significance of substantive democracy (i.e. that democracy ought to deliver socio-economic benefits for improvement of livelihoods of people and communities). This is the unique challenge of democratic governance in Africa in the sense that African states find themselves in an unenviable position whereby they have to pursue democratisation and socio-economic development simultaneously and in the process ensuring that security and political stability prevail. This is the major contribution of this project to both academic and policy discourses on democratic governance in Africa in general and Southern Africa in particular.

6

TOWARDS A NEW DEMOCRACY ASSESSMENT
FRAMEWORK FOR THE SADC REGION

Since the 'age of democratisation' in the 1990s, a democratic momentum is surely underway in many SADC countries. While recognising that enormous challenges for the consolidation of democracy remain, it is now incontrovertible that a considerable number of SADC countries have undergone some form of transition towards pluralist multiparty democracies (even if limited to formalist/procedural democracy). How do we assess whether countries have indeed undergone democratic transition? How do we assess the state of democracy in these countries? This new democracy assessment framework for the SADC region is partly meant to build on existing assessment methodologies and explores the current democracy state of art in the region.

Thus, the five (5) democracy assessment frameworks outlined above (OSI's AfriMAP, Beetham's UK Democratic Audit, IDEA's Democracy Assessment; the UNECA's Africa Governance Assessment and the IDASA Democracy Index) have been useful in influencing the conceptual thrust and methodological outlook of this study. This programme, therefore, aims to build upon these existing initiatives rather refute their analytic value. To this end, it contributes to the discourse that has been triggered by these initiatives locates such debates in the context of Southern Africa. It makes an important contribution to the on-going democracy discourse in more ways than one.

Firstly, it delineates four critical components of democratic governance in the SADC region which can facilitate a thorough assessment of the state of democracy (as outlined earlier in this report).

Secondly, unlike other existing democracy assessment initiatives, this study begins its assessment by questioning the very notion of democratic transition in order to come to an understanding of political change as ill as interrogating continuities and discontinuities that often characterise political change. If, indeed, political transition has happened, the task that remained was to assess the nature of democracies and regime types in the region and in individual countries. The assessment of these regime types and democratic trajectories would help us come to grips with the state of democratic governance in Southern Africa.

Thirdly, this study accepts the critical importance of the two principles of democracy that have guided most of the existing democracy assessment initiatives, namely political control and political equality. It has added the third important principle of socio-economic equality with a view to assessing the socio-economic aspects of democratic governance. While political control and political equality address the political side of the governance realm, the socio-economic equality investigates social welfare issues and the developmental thrust of governance. Thus, while the existing initiatives have tended to privilege principles of political governance, this initiative attempts to balance principles of political governance and principles of social and economic governance. That is why it deliberately rests upon three principles namely political control, political equality as ill as socio-economic equality.

Fourthly, this assessment uses comparative analysis in order to paint a broad regional picture of the dynamics of transition and state of democracy in Southern Africa. The value of comparative approach is that it allows for cross-national developments taking into account similarities and dissimilarities. Particularly with regard to governance work, this approach is useful in that it facilitates identification of bad and good practices and experience-sharing across countries.

Finally, this assessment utilises case studies prepared by scholars and researchers resident in the countries under review. The case study approach is important in that it allows for an in-depth analysis and blow-by-blow account of phenomena in a specific setting. The value of a case study is likely to be enhanced when the analysis is undertaken by resident or local researchers who are fully attuned to the local conditions, and are able to incorporate localized socio-economic and political nuances in the governance debate.

7

KEY RESEARCH FINDINGS

The African continent entered a period of major democratic transformation during the 1990s.[36] To anchor this analysis, Bujra and Buthelezi note that democracy denotes the "ability of the citizens in society or participants in an organization to effectively take part in the choice of their representatives or leadership and to effectively participate in the decisions made on issues that affect them or society in general. And as a system, democracy should be biased in favour of social justice and equality of access to national resources." [37]Thus in general democratic governance ought to have the following hallmarks:

- Openness;
- Representativeness;
- Accountability;
- Transparency;
- Equitable distribution of resources;
- Respect and observance of human rights;
- Constitutional government;
- Rule of law and separation of powers;
- Politics of consensus rather than coercion; and
- Regular free and credible multiparty elections

The general observation that can be deduced from the existing literature on the democratisation process in Africa to date is that this process has been extremely important in re-orienting African political systems away from authoritarian rule towards multiparty and competitive political governance, in particular by jettisoning military dictatorship and thus deliberately steering politics away from bullets (coercion and sanctions) towards ballots (consensus and persuasion). This trend has also been critical in terms of progressively

shifting politics anchored upon personality cult towards politics predicated upon democratic processes and accountable institutions. The personality cult culture has been responsible to a large measure for poor leadership through either one-party or one-person rule in a large majority of states in the continent as the ruling party was seen as synonymous with the leader and *vice-versa*. The institutionalisation of politics reverses personalisation of politics in that it shifts the political realm from individual leaders towards key institutions, even if it does not necessarily diminish the key role of the leaders. In a recent study, Rod Alence poses an interesting relevant dilemma around institutionalisation of governance as follows: "fundamental questions regarding the political and institutional bases of good governance in Africa thus remain unresolved. Foremost among these is whether, or under what conditions, democracy contributes to 'developmental governance', in forms such as coherent policy formulation, effective public administration, and limited corruption."[38]). I provide some insights of the key findings of this regional research enterprise. For this purpose, this section addresses three main issues namely (a) political transitions in SADC; (b) the state of democracy in SADC; and (c) broad comparative insights on democratic governance in the SADC region.

POLITICAL TRANSITIONS IN SADC

Even if democratic governance in a number of SADC countries is yet to be sufficiently institutionalised, there is consensus in both academic and policy discourses that the majority of countries have undergone political transition away from authoritarian politics and towards multi-party democratic dispensations[39]. In fact, today it is possible to ascertain whether or not SADC countries have indeed undergone transition. Elsewhere,[40] we have classified SADC countries into four main categories which are, in them selves indicative of whether or not each country has undergone transition and therefore increasingly becoming fit through democracy, to borrow Amartya Sen's

phrase. The first category is referred to as blocked transition. The notion of blocked transition presupposes a situation in which political transition from authoritarian rule to multi-party democracy has not been allowed to happen or has been stalled along the way. Two countries currently can be placed in this category. These are Angola and Swaziland. In countries where democratic transitions have not yet happened, one of the challenges for democratic governance has been (and still is) political stability.

Angola's transition failed following the abortive 1992 election which was won by the Popular Movement for the Liberation of Angola (MPLA) while the major opposition, and former rebel movement, the National Union for the Total Independence of Angola (UNITA), contested the election outcome and reverted back to war, plunging the country into an abysmal violent conflict that claimed enormous amount of human life and destruction to property and social livelihoods. Although, today Angola enjoys a relative peace, the country is yet to undergo a meaningful political transition towards multi-party democracy and a critical milestone for this political transformation is the parliamentary election slated for some time in 2008 and the presidential election scheduled for 2009.

Swaziland still remains an enigma in the context of the democratisation wave sweeping the SADC region. Although the country adopted the Westminster constitutional and political arrangements from the British colonial administration in 1967 when it gained independence, this was jettisoned in early 1970s when the monarchy entrenched its political hegemony, banned political parties and institutionalised authoritarian rule. Despite various efforts by both international, regional and national actors to exhort the King and royalist class in Swaziland to liberalise the political market place for democracy to germinate and take root, little progress has been registered. Various constitutional review commissions have been set up by the King and the latest one led to the adoption of the new constitution, which still disallows

existence and operations of political parties. Thus, Swaziland has not yet undergone a political transition towards a multi-party democracy and there are no signs suggesting that the country is about to undergo a meaningful democratic transition in the foreseeable future.

Table 2: Classification of Democratic Transitions in SADC

Blocked transitions	Conflict-ridden transitions	Embryonic and relatively stable transitions	Stable and mature transitions
Angola	Zimbabwe	Namibia	South Africa
	Tanzania	Mozambique	Mauritius
	Democratic Republic of Congo		
Swaziland	Zambia	Lesotho	Botswana
	Malawi		

Source: Matlosa, 2005b (revised and adapted, up to July 2007)

While other countries have undergone transitions, these still remain conflict-ridden. I classify these countries as conflict-ridden transitions. This classification essentially denotes that some form of political change has taken place at some point aimed at liberalising the political market place, but the political system is still beset with conflict that threatens stability in many respects, especially during and around elections.

Until fairly recently, the DRC belonged to this category of blocked transitions. The DRC has been in the throes of a prolonged transitionary governance arrangement since 2003 when an inclusive transitional government was put in place following the signing of the All-Inclusive General Agreement by major belligerents who had played a role in driving a protracted violent conflict that had engulfed the country claiming many human lives. Unlike Angola, the DRC has taken some encouraging steps towards completing its transition process by developing a new constitution approved through a national referendum in December 2005. This historic development was followed by the

holding of presidential, parliamentary and provincial elections in 2006. The adoption of the constitution went fairly smoothly. The parliamentary election outcome was ill received by the key protagonists and observers alike. The presidential election outcome (both first round in July and second round in October 2006) triggered political violence. Depending on how the current conflict among the main protagonists is managed, DRC may experience a smooth political transition towards both peace and multi-party democratic dispensation along the route that was taken by Mozambique in 1994 where the transitional election became a cure for the country's protracted violent conflict. Conversely, if the simmering conflict is not managed constructively and political violence intensifies, the DRC could take the Angola route where the 1992 election became a curse for the country's peace and democratisation effort. Whichever route the DRC takes in the medium-to-long term, the stark reality is that today the country's transition trajectory still remains conflict-ridden with the main protagonists, President Joseph Kabila and the former vice-president, Jean-Pierre Bemba, ostensibly unable to reconcile their past differences. This has resulted in diplomatic initiatives from South Africa and SADC Heads of State and Governments aimed at a political settlement of this crisis in the DRC.

A decade or two ago, Zimbabwe would be classified as a relatively stable transition or, better still, a stable and mature transition. However, while starting off ill on a multiparty democratic dispensation following independence in 1980, since the 1990s, centralisation of power and militarisation of state and society started to become evident. In the process the early democratic gains began to be reversed and this trend has been accelerated (or fast tracked, to use a Zimbabwean political lexicon) since the 2000 general election in which, for the first time, the ruling ZANU-PF's political hegemony was threatened by an opposition party, signalling the end of the 20-year political honeymoon for the ruling party. That the profound political crisis in Zimbabwe is marked, *inter alia*, by deep political polarisation

between the ruling ZANU-PF and the opposition MDC brooks no controversy. The 2002 Fact-Finding Report of the African Commission on Human and Peoples Rights on the human rights situation in Zimbabwe aptly states:

> I observe that Zimbabwean society is highly polarised. It is a divided society with deeply entrenched positions. The land question is not in itself the cause of division. It appears that at heart is a society in search of the means for change and divided about how best to achieve change after two decades of dominance by a political party that carried the hopes and aspirations of the people of Zimbabwe through the liberation struggle into independence.[41]

This deeply entrenched culture of political polarisation has not only undermined political tolerance, but it has also triggered politically motivated violent conflict. It is worth emphasising that violent conflict breeds political instability which in turn undermines governance and creates a climate that is not conducive to the promotion and protection of a culture of human rights and institutionalisation of democratic governance. This violent conflict tends to escalate around elections. This is not surprising, of course, given that elections are a high stakes contestation over the control of state power by political parties. As such, this contestation tends to raise political temperature to levels that ignite conflict that often cross boundaries from political disagreement which could be mediated through ballots into a violent confrontation mediated through bullets. This situation becomes worse in the Zimbabwe condition wherein parliamentary elections ire held separately from the presidential elections. The former took place every five (5) years while the latter took place every six (6) years. Zimbabwe continues to hold elections on a regular basis, but these elections do not seem to assist the country out of its political crisis. This situation attests to the fact that elections on their own are

not tantamount to democracy or democratisation. It is also evident that under the circumstances that prevail in Zimbabwe, the opposition parties and a considerable proportion of the electorate are beginning to lose confidence in the electoral process.[42] (In the process, no doubt, elections and their outcomes increasingly tend to lose meaning. They become a political ritual for the political elite to reproduce itself and claim domestic and international legitimacy despite its autocratic mode of governance. It was only in 2008 that for the first time, parliamentary and presidential elections ire harmonised. These elections have not made any difference for the resolution of Zimbabwe's political and socio-economic crisis. Clearly, there is much to be achieved. The First Extraordinary SADC Summit of Heads of State and Government held in Lusaka, Zambia on 13 April 2008 deliberated on the outcome of the 2008 elections and recommended that the delayed election results must be expedited and urged the acceptance of the results.

The situation in Tanzania, Zambia and Malawi is different from the one prevailing in Zimbabwe, although still marked by conflict. In Tanzania, the political landscape tends to be more conflict-ridden around elections, especially in the islands of Pemba and Zanzibar. If anything, the major challenge for democratic governance in Tanzania revolves around how to resolve the governance problem in these islands. Until this problem has been resolved, democracy in Tanzania will continuously be marked by violent conflict especially during elections, more so in Zanzibar and Pemba than in Mainland Tanzania. Unlike Tanzania, where violent conflict intensifies during elections (Zanzibar and Pemba), in Zambia and Malawi, the conflict tends to mark the political system both during and in between elections. In both the countries, the latest elections in 2006 and 2004, respectively, ire marred by conflict, but even in between elections, conflict threatened the political stability of both countries. Part of the problem in both countries lies in the legitimacy crisis of regimes. In recent times, in both presidential and parliamentary elections in Zambia and Malawi, winners have not been able to

secure more than 50% of the total valid votes. In Zambia this led to the ruling Movement for Multi-party Democracy (MMD) poaching opposition MPs into its ranks and thereby whittling the capacity of opposition parties both within and outside parliament. In Malawi this has resulted in the ruling party, United Democratic Front (UDF), experiencing a split and the president, Bingu wa Mutharika, breaking ranks with the party and establishing his own party, the Democratic Progressive Party (DPP), which has been able to elbow the UDF out of power, through floor-crossing[43] and control state power. However, the status of MPs who have crossed the floor and joined the DPP remains precarious given that the constitution provides that if an MP crosses the floor, his/her sit shall be declared vacant, compelling the Malawi Electoral Commission (MEC) to call for a by-election.

The third category is that of embryonic and relatively stable transitions. These may be defined are those transitions that exhibit some stability, although signs of possible/potential reversals do appear from time to time. These countries include Namibia, Mozambique and Lesotho. Namibia and Mozambique share a number of similar political characteristics in respect of political transitions. Thereafter, both experienced a transition from war to peace at almost the same time. The transition occurred in 1989 in Namibia and 1992 in Mozambique. Both countries held transitional elections immediately after peace agreements ire signed in 1989 in Namibia and 1994 in Mozambique. As part of ensuring power-sharing and government of national unity both countries adopted the Proportional Representation (PR) electoral system widely reputed for its value for reconciliation, harmony and constructive management of conflict in societies that had experienced protracted violent conflict. Thereafter these two countries held several successful and successive general elections, which some scholars (as noted earlier in this report) consider an indicator of democratic consolidation; Namibia has held three post-transition general elections in 1994, 1999 and 2004 and Mozambique two, namely in 1999 and 2004. In Namibia, signs of

democratic reversal have included the controversial issue of constitutional amendment aimed a extending a third term for former president Sam Nujoma. Although Nujoma ultimately handed over power to Hifikepunye Pohamba, his own anointed successor, he remains the president of the ruling Swapo party while Pohamba remains its secretary-general - a recipe for conflicting centres of power in the governance realm. In Mozambique, the issue of succession of former president Joaquim Chissano by Armando Guebuza was not as problematic as that in Namibia where the problem seems to rotate around the tense political relations between the ruling Frelimo party and the main opposition, Renamo.

Lesotho has different trajectory of political transition from Mozambique and Namibia, although it falls under the same category as these two countries. Evolving through a one-party regime (1970-1986), and a military regime (1986-1993), Lesotho experienced a democratic transition in 1993 and since then it has adopted multi-party democratic system marked by regular elections (1993, 1998, 2002 and 2007). The recurrent political instability that had marked the country's political landscape subsided following a major political conflict of 1998 which led to the military intervention in the country by South Africa and Botswana. Part of the resolution of this near-civil war was the reform of the electoral system away from the British style First-Past-The-Post (FPTP) and the adoption of the Mixed Member Proportional (MMP) system which was first put to the test in 2002. This model introduced a dual system of forming the national assembly: (a) eighty (80) seats are occupied through the FPTP system or constituency-based voting and (b) the forty (40) remaining seats are occupied through Proportional Representation (PR) or party-based voting. This system was put to its first test in 2002 and brought about a broadly representative parliament (comprising about ten political parties), thus replacing the age-old political culture of one-party parliament in that country with a multiparty parliament. This has also ensured a considerable degree of political stability. However, danger signs exist. First,

fragmentation of political parties in Lesotho marked in the main by factionalism, in-fighting, splits and floor-crossing threaten the country's infant democracy. Second, the 2007 general election has highlighted other new potential reversals of the Lesotho democracy including formation of alliances that aim to manipulate and distort the MMP electoral model. It is evident that the manner in which the alliances between the All Basotho Convention-Kobo Tata and the Lesotho Workers Party (LWP) on one hand and that between the ruling Lesotho Congress for Democracy (LCD) and the National Independent Party (NIP) on the other ire formed to contest the election was meant to distort the original spirit of the MMP which was, *inter alia*, to compensate smaller parties. These alliances tend to change this principle in that now bigger parties aim to compensate themselves at the expense of smaller political players. In fact, a bigger danger exists that if this trend is not ill managed, the Lesotho electoral model may remain an MMP in theory but in practice, has become a Parallel System.

The last category is that of stable and mature transitions. These are transitions which have either a longer duration and life-span, or shorter duration but firm institutional anchoring. The longest-enduring democratic transitions in the SADC region are found in Botswana and Mauritius; the two countries that have institutionalised stable liberal democratic regimes since their political independence in the 1960s. Both countries still remain firmly institutionalised liberal democracies, although challenges for consolidation of their democracies still remain, such as broadening participation and representation, gender equality and electoral system reform etc. Unlike Botswana and Mauritius, South Africa is a young democracy, whose transition is marked by stability. The stability of the South African transition is not linked to its age, but rather to its institutional anchoring. South Africa has a highly institutionalised democratic system and this phenomenon, to a large measure ensures sustainability and political certainty. As with Namibia and Mozambique, South Africa experienced a double transition in the early 1990s

from war to peace and from authoritarian rule to democratic dispensation. Also adopting the PR electoral system, South Africa has also held two post-transition elections in 1999 and 2004. What is interesting about this last category is the fact while in both Botswana and South Africa, a dominant party system prevails thereby limiting the space for electoral competition and power alternance, in Mauritius a vibrant multiparty system prevails and power alternance has been the hallmark of all elections since independence.

The findings above suggest clearly that political transition is one of the crucial elements of democratisation in the SADC region. It is surely one indicator that can be used to assess whether or not a country is becoming fit through democracy. But does this tell us anything about the state of democracy in each country? It is to this that the next sub-section now turns.

THE STATE OF DEMOCRACY IN SADC

While generally transitions have taken place in a majority of states in the SADC region, democracy and governance remain in a state of flux. Countries exhibit various regime types with implications for the state of democracy and governance as will be demonstrated shortly. As with the transition trajectories discussed in the previous sub-section, existing regime types in Southern Africa provide some indication of whether or not these countries are becoming fit through democracy. Following on previous research work[44], I have classified SADC countries into four distinct regime types as follows:

- Closed authoritarian regimes (i.e. unreformed autocracies);
- Electoral authoritarian regimes (façade democracies, to use Jeff Haynes' concept);
- Electoral democratic regimes (regimes that reduce democracy to simple electioneering); and

- Liberal democratic regimes (regimes that allow for room for promotion of civil liberties and political rights in between regular elections).

Through this classification, it becomes clear that in those countries that have not yet undergone transitions, democracy is lacking and autocratic governance remains the order of the day. These countries include Angola, DRC and Swaziland which we refer to as closed authoritarian regimes or unreformed autocracies. In closed authoritarian regimes or unreformed autocracies, governance is premised upon one person (King in the case of Swaziland) or a coterie of the political elite (the ruling political class in Angola) wielding state power and running national affairs with minimum (if any) public consultation, accountability and/or elections.

Supreme power and decision making rests exclusively with one person or the small political elite. This first classification corresponds to that of blocked transitions. The second classification is that of electoral authoritarian regimes or liberalised autocracies. Also referred to as hybrid systems[45] liberal autocracies have experienced a transition from an unreformed autocracy but are neither electoral nor liberal democracies. They conduct regular elections but remain autocratic. Some scholars refer to this fuzzy category variously as grey zone, democracies, ambiguous democracies, illiberal democracies, delegative democracies, semi-democracies etc[46].

Two countries can be placed in this category namely DRC and Zimbabwe, for the simple reason that they operate what Haynes aptly refer to as façade democracies, holding multi-party elections whose outcomes are both questionable and hotly contested. Further more, electoral processes in these countries are marked by lack of procedural certainty (legitimacy of electoral procedures) and lack of substantive uncertainty (credibility of election results). According to Mozaffar and Schedler,[47] in order to ensure the quality of elections, electoral governance must be predicated upon procedural

legitimacy and certainty, while at the same time guaranteeing substantive uncertainty. As they aptly observe:

> The close association between procedural legitimacy and substantive uncertainty poses the paradoxical challenge "institutionalising uncertainty" (…). The paradox is that substantive uncertainty requires procedural certainty. It is this paradox that defines the central task of electoral governance: organizing electoral uncertainty by providing institutional certainty. Distinguishing between substantive and procedural uncertainty enables a more nuanced understanding of variations in political actors' risk-aversion. Authoritarian and democratic actors, for instance, exhibit different attitudes towards uncertainty. While the former attempt to reduce the uncertainty of outcomes, the latter attempt to reduce the uncertainty of institutional rules

Democracy scholars and activists alike are agreed that if electoral governance is to be democratised there is a dire need for institutionalisation of procedural certainty and substantive uncertainty. For Adam Habib, "the essence of democracy is political uncertainty, and it takes two distinct forms: institutional and substantive. Institutional uncertainty - the uncertainty about the rules of the game - implies the vulnerability of the democratic system to anti-democratic forces.

Substantive uncertainty - the uncertainty of the outcomes of the game - is about the perceptions of ruling elites in a democratic system on whether they will be returned to office"[48] Electoral governance in both the DRC and Zimbabwe lacks these fundamental principles or elements which are crucial not only for political stability, but also for anchoring the country's transition

on a sustainable footing and in the process building foundations for democratic governance.

Table 3: Classification of Regime Types in SADC

Closed Authoritarian Regimes	Electoral Authoritarian Regimes	Electoral Democratic Regimes	Liberal Democratic Regimes
Angola	Zimbabwe	Tanzania	Botswana
Swaziland	DRC	Zambia	Mauritius
		Malawi	Namibia
		Lesotho	South Africa
		Mozambique	

Source: Adapted from Haynes, 2001; Schedler, 2002; Bratton, et al., 2005, updated to April 2007

We have classified the majority of SADC member states as electoral democracies. These may be defined as those countries wherein the governance system has undergone transition from dictatorial rule and embraced a multi-party democratic dispensation. The type of democracy however, in place is not quite a fully-fledged liberal democracy. It is a narrower form of liberal democracy which is confined primarily to the mere act of holding regular elections. Such a democracy, therefore, is reduced to electoralism. It is more procedural and less substantive in both form and content. Countries that fall in this category include Tanzania, Zambia, Malawi, Mozambique and Lesotho. Although their political systems are occasionally marked by political turbulence especially around election time, the political systems in these countries are surely stabilising and if they manage to institutionalise the existing multi-party system, they have a great potential to become liberal democracies. Few SADC countries can be classified as liberal democracies. These are those countries wherein the governance realm is institutionalised through regular and credible multiparty elections with a relatively fair amount of procedural certainty and substantive uncertainty. Constitutionalism and rule of law are entrenched and human

rights are promoted and protected. These countries include Botswana, Mauritius, Namibia and South Africa. Their liberal democracies are stable and consolidating (but not yet consolidated).

There is a causal linkage between the state/nature of the transition trajectory on the one hand, regime type and the state/nature of democracy, on the other, This is demonstrated in the table below.

Table 4: Regime Typology, Transition trajectory and Governance Condition

Regime Type	Transition Trajectory	Governance Condition
Liberal Democracy	Transition has successfully taken place	Democracy Consolidating
Electoral Democracy	Transition has successfully taken place	Democracy Stabilising
Electoral Authoritarianism	Transition has taken place, but not successfully	Lack of political stability
Closed Authoritarianism	Transition has been blocked/stalled	Political instability is rife

Source: Matlosa, Khabele

In liberal democracies, political transition has successfully taken place and democracy is in the process of consolidating. These are the countries that are fairly advanced in the democratisation path. They are progressively becoming fit through democracy. In electoral democracies, although transition has successfully taken place, democracy is progressively stabilizing, but the consolidation process has not yet started. These countries have taken initial steps in the process of becoming fit through democracy, but still need to institutionalise democratic governance. In electoral authoritarianism, although transition may have taken place, it has not as yet successfully reached its logical conclusion. Countries hold elections, but election outcomes are contested and in many instances violently so. In addition, in between elections there are no visible indications, whatsoever, that democracy prevails in such countries. There is therefore no political stability. In such situations,

countries in this category have not even started becoming fit through democracy. In closed authoritarian regimes, no transition has taken place or it has been stalled/blocked midway. Political instability is rife. This instability takes the form of either overt/violent or covert/non-violent conflict. Such countries are far from starting the process of becoming fit through democracy. The trend above can also be linked to the state of civil liberties and political rights in these countries as shown in the table below.

Table 5: Human Rights and Civil Liberties Rating for SADC Countries, 1996-2004

Country	Civil Liberties		Political Rights		Rating 2004	Trend
	1996	2004	1996	2004		
Angola	6	5	6	6	Not free	Better
Botswana	2	2	2	2	Free	Same
DRC	6	6	7	6	Not free	Better
Lesotho	4	3	4	2	Free	Better
Malawi	3	4	2	4	Partly free	Worse
Mauritius	2	1	1	1	Free	Better
Mozambique	4	4	3	3	Partly Free	Same
Namibia	3	3	2	2	Free	Same
South Africa	2	2	1	1	Free	Same
Swaziland	5	5	6	7	Not Free	Worse
Tanzania	5	3	5	4	Partly Free	Better
Zambia	4	4	5	4	Partly Free	Better
Zimbabwe	5	6	5	7	Not Free	Worse

Source: Breytenbach, 2005:62

All closed authoritarian and electoral authoritarian regimes (Angola, Swaziland, DRC and Zimbabwe) are considered not free. Electoral democratic regimes (Tanzania, Zambia, Malawi, Mozambique, Lesotho) are either partly free or free. All liberal democracies (Botswana, Mauritius, Namibia and South Africa) are considered free (as illustrated by the table above).

While the measurement of democratic systems through such Freedom House indices (namely political rights and civil liberties) is largely useful, it has its own limits. Political rights and civil liberties relate more to the extent to which the political space is open for individuals and groups to exercise their political

freedoms, but they do not depict the extent to which people in a given country do enjoy economic rights and social justice.

In his seminal treatise of the nexus between democracy and development, Amartya Sen [49]persuasively argues that t*he real issues that have to be addressed … involve taking note of the extensive interconnections between political freedoms and the understanding and fulfillment of economic needs. The connections are not only instrumental (political freedoms can have a major role in providing incentives and information in the solution of acute economic needs), but also constructive. Our conceptualisation of economic needs depends crucially on open debates and discussions, the guaranteeing of which requires insistence on basic political liberties and civil rights.*

Thus, Sen presents a compelling case for a synergistic synthesis between political liberties and civil rights on one hand and economic rights and social justice on the other. It is within this holistic paradigm (as against a rather reductionist Freedom House approach) that Sen perceives of development as fundamentally the expansion of people's freedoms; principally the capabilities of people to choose lives that they have reason to value. In this regard, Sen expands substantially the Freedom House definition of rights by identifying five main types of instrumental freedoms namely:

- political freedoms;
- economic facilities;
- social opportunities;
- transparency guarantees; and
- protective security.

Political freedoms denote "opportunities that people have to determine who should govern and on what principles, and also include the possibility to scrutinize and criticize authorities, to have freedom of political expression and

uncensored press, to enjoy the freedom to choose between different political parties, and so on"[50]

Economic facilities define the opportunities that people (individually and collectively) "enjoy to utilize economic resources for the purpose of consumption, or production, or exchange…. Insofar as the process of economic development increases the income and wealth of a country, they are reflected in corresponding enhancement of economic entitlements of the population"[51]

Social opportunities refer "to the arrangements that society makes for education health care and so on, which influence the individual's substantive freedom to live better. These facilities are important not only for the conduct of private lives (…), but also for more effective participation in economic and political activities"[52]

Transparency guarantees refer to the need for societal interactions to be premised upon mutual trust among members of the society. It presupposes "openness that people can expect: freedom to deal with one another under guarantees of disclosure and lucidity. When that trust is seriously violated, the lives of many people … may be adversely affected by the lack of openness" [53]

Protective security denotes that need to "provide a social safety net for preventing the affected from being reduced to abject misery, and in some cases even starvation and death. The domain of protective security includes fixed institutional arrangements such as unemployment benefits and statutory income supplements to the indigent as ill as ad hoc arrangements such as famine relief or emergency public employment to generate income for destitutes"[54]

In sum, Sen reminds us that democracy by far transcends mere political rights and civil liberties as defined by Freedom House. It encompasses other broader freedoms especially economic and social freedoms.

This is a useful approach that helps us conceptualise substantive democracy as against mere procedural democracy. In this regard, Freedom House indicators while useful in their own right reduce democracy to its procedural form while Sen's definition of freedoms define the form and substance of substantive democracy or what we earlier referred to as developmental or social democracy.

Political freedoms need to be pursued in tandem with socio-economic freedoms. One of the indicators of the pervasive socio-economic lack of freedom in Southern Africa is the incidence of poverty as illustrated in Table 6. This table depicts the disturbing trend of entrenched incidence of poverty in many countries.

Table 6: Poverty, 2004, in SADC Countries

Country	% of population below income poverty line			% population with sustainable access to		% pop. under nourished 1999/2001
	$1/day ppp, 1990-02	$2/day ppp, 1990-02	National Poverty Line, 1990-02	Improved Sanitation, 2000	Improved water source, 2002	
Angola	…	…	…	44	50	49
Botswana	23.5	50.1	…	66	95	24
DRC	…	…	…	21	46	75
Lesotho	36.4	56.1	…	49	76	25
Malawi	41.7	76.1	65.3	76	67	33
Mauritius	…	…	…	99	100	5
Mozambique	37.9	78.4	69.4	43	42	53
Namibia	34.9	55.8	…	41	80	7
South Africa	7.1	23.8	…	87	87	…
Swaziland	…	…	40	…	52	12
Tanzania	19.9	59.7	35.7	90	73	43
Zambia	63.7	87.4	72.9	78	55	50
Zimbabwe	36	64	34.9	62	83	39

Source: Oosthuizen, 2006:114

Many SADC countries are confronted with the adverse social consequences of poverty. The extent to which these countries are becoming fit through democracy should not only be confined to progress in transition and the holding of regular election. It should also be related to the extent to which deliberate social policies are crafted to eradicate the scourge of poverty and improve the livelihoods of ordinary people. In a nutshell, so far, we have canvassed the idea that a number of SADC countries have made some progress towards democratisation, although this process in some countries has been stalled; in others, it is fraught with various kinds of conflict/instability; and in others, the democratic system is marked by political stability. However, while at the political plane, our prognosis of the democratisation process in the SADC region is that procedural rather than substantive democracy seems to be the general political norm. Substantive democracy, especially in respect of socio-economic transformation and the quest for social justice still lags far behind. In the next section, we discuss some comparative aspects of democratic governance in the SADC region focusing on the four thematic areas covered in this study.

8

COMPARATIVE INSIGHTS ON DEMOCRATIC GOVERNANCE IN THE SADC REGION

This section provides key highlights of the comparative insights emanating from the country studies. The highlights cover only those countries where empirical research was undertaken and reports produced namely Botswana, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe. Its scope is confined to the four main components of this programme namely:

- Representation and Accountability;
- Citizen Participation;
- Local Governance;
- Economic Management and Corporate Governance.

REPRESENTATION AND ACCOUNTABILITY

The country studies indicate that representation and accountability is more entrenched and fairly institutionalised in liberal democracies such as Botswana, Mauritius, Namibia and South Africa. The two major hindrances to representation and accountability in Botswana are the alleged injustices against minority groups such as the Basarwa and the executive dominance over parliament, thereby hindering separation of powers and checks and balances. In Mauritius, as in Botswana, the institutions of democracy are in place and seem to work ill. However, two major challenges for representation and accountability are identified as under-representation of women in key decision-making institutions and the weakness of opposition parties. This last point resonates overwhelmingly in both South Africa and Namibia. Both South Africa and Namibia share one important feature with Botswana. All the three countries have dominant party systems in which one single party (BDP

in Botswana, Swapo Party in Namibia and the ANC in South Africa) is so dominant in the political system that it tends to reproduce itself as government over a long period. While in South Africa, civil society is relatively strong and vibrant, this is not the case in Botswana, Namibia and Mauritius.

In electoral democratic regimes representation and accountability also present distinctive challenges. In Mozambique, while the overwhelming dominance of the executive over the legislature is observable, the study highlighted challenges including the lack of link between MPs and the electorate and lack of linkage between parliament and civil society. In particular the lack of linkage between MPs and the electorate is seen as one explanation of the weaknesses of the Proportional Representation (PR) electoral model that the country operates whose high threshold of 5% also disadvantages smaller parties thereby accentuating the dominance of the ruling Frelimo party. Zambia and Malawi, continue to use of the First-Past-The-Post (FPTP) system inherited from the colonial rulers in the early 1960s. This system is, in theory, reputed for ensuring accountability.

However, this system is known to be weak on representation as it rewards larger parties with broad-based support in various parts of a given country. This has in part encouraged regionalist-cum-ethnic political mobilization in both countries. In both countries, efforts are underway to reform the FPTP system and move towards some form of proportionality so as to ensure broad representation of key political players in the legislature. Lesotho has used the FPTP electoral model between 1965 and 2002. In part as a response to the weakness of this model to broad representation and partly as a response to political conflicts following its general election of 1998, Lesotho reformed its electoral model and adopted the Mixed Member Proportional (MMP) system in 2002. This new model has indeed broadened representation in parliament from two parties in 1998 to twelve political parties today. The new model has

also played a significant role in ensuring political stability in the country since the violent conflicts of 1998.

In closed authoritarian and electoral authoritarian regimes challenges for representation and accountability seem more onerous and daunting. Swaziland remains the only Southern Africa country which still prohibits the existence of political parties. It is a no-party state wherein power resides in the absolute monarch and the small coterie of the royal elite that so overwhelmingly dominate state and society. In Zimbabwe, the overwhelming political dominance of the ruling ZANU-PF is accompanied by the dominance of the executive over the legislature, thereby accentuating the centralisation of power and authority into the presidency.

CITIZEN PARTICIPATION

While variations in respect of citizen participation could be linked to different regime types, similarities and contrasts exist within and across regime types too. By and large, in all the countries studied, citizen participation is more visible during elections. Political parties make deliberate efforts to mobilise citizens to vote them into power. Citizens are also eager to exercise their democratic rights to choose leaders at various layers of the governance realm (presidential, parliamentary and local government). Citizen participation in elections is one thing, while effective participation in policy formulation is quite another.

It is good for citizens to be actively involved in elections every so often (usually every five years), but it is even better for citizens to actively and effectively influence governance and policy processes in between elections. However, evidence suggests that this is easier said than done. In practice, the tendency is that once elections are over, parties lapse into a state of political hibernation and only to re-emerge with the advent of the next elections. It is only the government and the ruling parties that run the country in between

elections in terms of shaping governance and formulating/implementing public policy. Thus, either by design or by default, society tends to get demobilised in between elections as governance and policy-formulation become the preserve of the ruling elite. By and large, SADC countries exhibit varying trends in respect of participation of citizens in the governance process.

In theory, citizen participation is supposed to be high in liberal democracies. However, evidence suggests that while in South Africa, due, in part, to the existence of a fairly robust and vibrant civil society, citizen participation is quite high, this is not necessarily the case in Botswana, Mauritius and Namibia. In the three countries, citizen participation is fairly low in-between elections. This trend also marks the political landscape of electoral democracies such as Mozambique, Zambia, Malawi, Lesotho and Tanzania. Although they exist and operate in various arenas of democracy and development, civil society organisations in all these countries are weak and thus unable to engage the state effectively.

The tendency, therefore, is that instead of these institutions pro-actively engaging the state on various governance and policy issues, they tend to wait for the state invite them on a selective array of policy/programme areas. But, this situation is worse in closed authoritarian regimes (Swaziland) and electoral authoritarian regimes (Zimbabwe). In closed authoritarian regimes, the political space for citizens to participate in the political process is blocked. In electoral authoritarian regimes the space for citizen participation is tightly controlled by the ruling political elite and at times responding to pressures for citizen participation through police brutality.

LOCAL GOVERNANCE

In all the SADC states local government authorities/structures exist. Most of these structures operate in the environment of tenuous relationship with

Members of Parliament (MPs) as ill as traditional governance institutions such as the chieftainship which are also expected to deliver services to communities. While the undefined (and at times conflict-ridden) lines of authority and coordination exist thereby compounding relations between local government institutions on one hand and elected MPs and traditional authorities on the other, a related problem is how local government structures relate to central government.

In many countries in the region, local government elections are held regularly and local authorities are operational, although bottlenecks of service delivery exist. Some of the bottlenecks relate to various challenges facing local governance include resource constraints (financial, human, technological, infrastructural), the nature and form of decentralisation (devolution, deconcentration, delegation), the degree of autonomy of these structures from central government.

The process of institutionalising democratic local governance differs markedly from one country to another in the SADC region. Decentralisation in a country like Lesotho was not democratised since independence until its first democratic post-independence local government elections held in 2005. Other countries have regularly held democratic local government elections including Botswana, Mauritius, Namibia, Mozambique, Tanzania and Zambia. Local government elections are as contentious as are general elections in Zimbabwe. Malawi, according to the government, has suspended its local government elections due to lack of financial resources.

ECONOMIC MANAGEMENT AND CORPORATE GOVERNANCE

All things being equal, democracy is supposed to deliver socio-economic dividends. This entails improvement of the socio-economic livelihoods of the ordinary people. Without improvement in this sphere, democracies remain

deficient and may not be consolidated. In a majority of the SADC countries, one of the main deficits of democratic regimes is that while the political market place has been opened for people to enjoy civil liberties and political rights, the economic market place has not been democratised to allow citizens to enjoy socio-economic rights and justice.

A general trend in the SADC region is that while authoritarian regimes have failed to promote development over the years since independence, the new democracies are struggling to deliver development. What the region continues experiencing is job-less economic growth. In a democratic setting, job-less growth translates into job-less democracy and such democracy is not conducive to development. If democracy does not deliver socio-economic benefits to the ordinary people, public trust in democratic institutions tends to decline, voter apathy tends to increase, cynicism against government mounts and the often result of all these maladies is the legitimacy crisis of governments. This situation was demonstrated by the adverse effects of the IMF/World Bank economic adjustment policies that triggered social unrest in such countries as Zambia. Presently, many countries are faced with various socio-economic challenges such as health provision, especially redressing the HIV/AIDS scourge.

9

CONCLUSION

This study investigates the linkages (both causal and incidental) between political transitions on the one hand and democracy and democratisation on the other, within the Southern African context. The main problem that it seeks to address revolves around whether or not political transition from authoritarian to multiparty democracy has taken place in the SADC region. Where transition has not taken place, what factors explain that situation and what is needed for transition to occur. In countries that have undergone transition, we are interested in discovering what factors propelled the process. We also probe into factors behind the variations between and among various SADC states' progress towards institutionalisation of democratic governance. Are SADC countries becoming fit through democracy or not? Why are states at varying levels of the institutional nurturing of democracy? It is against this backdrop that we use a four-pronged typology of political regimes in order to attempt a simple classification of SADC state in respect of political transition and democratic consolidation. These are (a) authoritarian regimes; (b) electoral authoritarianism; (c) electoral democracy; and (d) liberal democracy.

The study is generally informed by the widely accepted principles of democracy namely political control, political equality and socio-economic equality. Dealing with these three democratic principles obviously involves political contestation and struggles. This should be expected because the democratisation process is not necessarily a smooth, seamless and easily predictable process. Like many political processes, democratisation unfolds through struggles and is sustained through those struggles. In these political struggles for democratisation, the old forces of authoritarian order are pitted against new forces of democratic transformation. This is good for democracy, so long as these struggles unfold within the confines of the rule of law and constitutional order. Of necessity, therefore democracy is perforce a conflict-

ridden political system yet paradoxically democracy is also about managing conflict[55].

Democracy opens up popular demands and governance institutions respond to these demands. In situations where these popular demands are adequately addressed conflicts are easily resolved. But in situations where governance institutions fail to be responsive to popular demands or, even worse, respond to these demands through means outside the rule of law and constitutionalism, political instability sets in, hence the Huntingtonian nightmare of 'political decay or disorder'[56] . Under conditions of political instability and lack of constructive conflict management, institutional prospects for the derailment of democracy are greater.

Thus, this reality demands that one of the conditions for sustaining and consolidating democracy be political stability that has to be achieved and sustained through constructive management of conflict. We need not bemoan political conflict as such; neither should we wish it away. Rather, we should always yearn and search for institutionalised mechanisms for managing such conflict constructively guarding against conflict escalating into a violent encounter generating instability which, in turn, has the potential to scupper democratic transformation.

It is against this backdrop that we set about investigating the political transitions and state of democracy and governance in the SADC region. We did this by undertaking case studies covering eleven countries namely Botswana, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe. All the country studies unearthed progress and challenges in both the transition and democratisation fronts in the selected countries covering four thematic areas or clusters as follows:

- Representation and accountability;

- Citizen Participation;

- Local governance; and

- Economic and corporate governance

Aware that this is not the first, or the only, democracy assessment study, we also investigated and reviewed others worldwide in order to establish the linkages and complementarities with the present study. However, it is certainly the first of its kind in the Southern African region. Overall, we found out that the majority of SADC member states have undergone democratic transitions from autocratic regimes of the yesteryear, although it cannot be argued with certainty that these transitions are sustainable and irreversible. We also found out that SADC countries exhibit varying trends of democratisation and hence varying degrees of 'democraticness'. While some cannot be said to be democracies, by any stretch of imagination, others may be classed either as electoral autocracies, electoral democracies or liberal democracies. Thus, while some countries, especially liberal democracies and to a lesser extent electoral democracies, are arguably becoming fit through democracy, the other countries (closed authoritarian regimes and electoral authoritarian regimes) are evidently not doing so.

Based on the above concluding remarks, four main points are worth reiterating. Firstly, democracy in Southern Africa means much more than the mere act of electing leaders every so often. The intrinsic value of democracy notwithstanding, we emphasise the point that its instrumental value should be felt by the people namely the promotion of sustainable human development. As Manu Ndulo points out *the best form of government is that which tends to foster in the people such qualities as initiative and inventiveness, and to steady improvement in their overall intellectual and moral qualities, since on these depends in turn the success of government in maintaining and promoting economic development and ill-being of the society* [57] Therefore, democracy, perforce ought

to be developmental. This, in part, means expanding people's freedoms as defined by Amartya Sen above; advancing, protecting and promoting these rights at all times. Besides requiring a vibrant, active and organised citizenry, this type of democracy requires a developmental state[58] in many of these countries. Andreasson posits that "hope for a way out of the current quagmire of underdevelopment in southern Africa is generally vested in the notion of the 'developmental state'- i.e. a national, society-wide transformation in the direction of broad-based development loosely based on the post-World War 2 experiences of continental European social democracies, and more specifically, the developmental trajectories of the East Asian Tigers"[59]. Taking cue from the experiences of developmental states in Europe (democratic corporatist states) and East Asian Tigers (authoritarian corporatist states), Southern Africa has to transform its state forms more and more towards democratic developmental (corporatist) states and deliberately avoiding the East Asian route of authoritarian developmental (corporatist) states.

Secondly, whilst many SADC countries have undergone transition to multiparty democracy of a liberal type, a few others are yet to undergo democratic transitions. But even those that have recently undergone transition, reversals to authoritarian forms of governance cannot be altogether ruled out (e.g. the present-day DRC is a clear case in point). There are political tremors in Malawi which, if not managed ill, are likely to reverse the country's democratic momentum since 1994. Since the 2004 elections, relations between the former president, Bakili Muluzi and the current president, Bingu wa Mutharika have not been cordial, given that the former made abortive attempts to control the levers of power by remote control as leader of the then ruling party, United Democratic Front (UDF) following his failed bid to change the constitution in order to get a third term as state president. This unsavoury development led to Mutharika resigning his membership of UDF (the party on whose ticket he became state president) and formed his own party, the Democratic Progressive Party (DPP). Currently, Muluzi is making a

spirited move to make a comeback to active politics with a view to contesting elections in 2009, much to the chagrin of the DPP.

Thirdly, while liberal democracy has indeed facilitated the democratic momentum in many of the SADC countries, the challenge facing these countries is to transcend this democratic model and aim to adopt and foster a developmental or social democracy "that invests heavily in the improvement of people's health, education, and capacity so that they can participate effectively"[60] Advancing the argument further, Claude Ake has proposed that the ideal type of democracy that Africa needs is (i) a democracy in which people have real decision-making power beyond formalistic procedural aspects of the process including elections; (ii) social democracy that places emphasis on concrete political, social and economic rights as opposed to liberal democracy that emphasises abstract political rights; (iii) a democracy that puts as much emphasis on collective rights as it does on individual rights; and (iv) an inclusive and participative democracy that accommodates the interests, demands and fears of all key sections of society and not just the political (ruling) elite alone. This is precisely the type of democratic governance to which the SADC region should to aspire and invest resources to build.

Fourthly, for the region to realise this type of democracy it requires strong institutions (both state and non-state) that constructively engage each other in the governance process. Key institutions of government (including the executive, the legislature, the judiciary, political parties, and civil society organisations) must have the requisite capacity to play their rightful role in the democratic process. So far, what we know is that of the three key organs of government, the executive tends to play a dominant role over the other legislature and the judiciary resulting in weak check and balances systems. Consequently, the legislature and the judiciary in many SADC countries (with few exceptions) play a subservient role to the executive. In many countries,

civil society organisations are either weak, fragmented or dysfunctional and the governance agenda is left to organs of government alone and organised social formation outside the state becomes left out of the process. While generally civil society gets marginalised in the governance process, it is also evident that of all the social groups, women are the hardest hit by this marginalisation. This happening despite the commitment of SADC member states to the 1997 Declaration on Gender and Development that commits member states to achieving gender equality in all key organs of the state. Many countries have not even achieved the 30% women's representation that was targeted for 2005. Since 2005, SADC countries are supposed to aim for 50% women's representation in key organs of the state. Only South Africa, Mozambique and Tanzania have achieved 30% of women's representation in the requisite state organs (especially the legislature and the executive). Beyond numbers, SADC countries still face the challenge of ensuring that quantity and quality of gender equality are mutually reconciled. Increasing numbers of women in key organs of the state has to be matched with their political empowerment which will ensure that women in top positions are accorded the necessary power and authority to effectively drive the democracy and governance agenda. Commitment to gender equality in governance should go beyond mere tokenism.

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ABOUT EISA

EISA is a not-for-profit and non-partisan non-governmental organisation which was established in 1996. Its core business is to provide technical assistance for capacity building of relevant government departments, electoral management bodies, political parties and civil society organisations operating in the democracy and governance field throughout the SADC region and beyond. Inspired by the various positive developments towards democratic governance in Africa as a whole and the SADC region in particular since the early 1990s, EISA aims to advance democratic values and practices and to enhance the credibility of electoral processes. The ultimate goal is to assist countries in Africa and the SADC region to nurture and consolidate democratic governance. SADC countries have received enormous technical assistance and advice from EISA in building solid institutional foundations for democracy. This includes: electoral system reforms; election monitoring and observation; constructive conflict management; strengthening of parliament and other democratic institutions; strengthening of political parties; capacity building for civil society organisations; deepening democratic local governance; and enhancing the institutional capacity of the election management bodies. EISA was formerly the secretariat of the Electoral Commissions Forum (ECF) composed of electoral commissions in the SADC region and established in 1998. EISA is currently the secretariat of the SADC Election Support Network (ESN) comprising election-related civil society organisations established in 1997.

VISION

Promoting credible elections and democratic governance in Africa.

MISSION

EISA's mission is to strengthen electoral processes, good governance, human rights and democratic values through research, capacity building, advocacy

and other targeted interventions. The organisation services governments, electoral commissions, political parties, civil society organisations and other institutions operating in the democracy and governance fields throughout Africa.

VALUES AND PRINCIPLES

Key values and principles of governance that EISA believes in include:

- Regular free and fair elections
- Promoting democratic values
- Respect for fundamental human rights
- Due process of law/rule of law
- Constructive management of conflict
- Political tolerance
- Inclusive multiparty democracy
- Popular participation
- Transparency
- Gender equality
- Accountability
- Promoting electoral norms and standards

OBJECTIVES

- To nurture and consolidate democratic governance
- To build institutional capacity of regional and local actors through research, education, training, information and technical advice
- To ensure representation and participation of minorities in the governance process
- To strive for gender equality in the governance process
- To strengthen civil society organisations in the interest of sustainable democratic practice, and
- To build collaborative partnerships with relevant stakeholders in the governance process.

CORE ACTIVITIES

- Research

- Conferences, seminars and workshops

- Publishing

- Conducting elections and ballots

- Technical advice

- Capacity building

- Election observation

- Election evaluation

- Networking

- Voter/civic education

- Conflict management

- Educator and learner resource packs

PROGRAMMES

EISA's core business revolves around three main programmes namely: Conflict Management, Democracy and Electoral Education; Electoral and Political Processes; and Balloting and Electoral Services.

CONFLICT MANAGEMENT, DEMOCRACY AND ELECTORAL EDUCATION

This programme comprises various projects including voter education, democracy and human rights education; electoral observation; electoral staff training; electoral conflict management; capacity building; course design and citizen participation.

ELECTORAL AND POLITICAL PROCESSES

This programme addresses areas such as technical assistance for electoral commissions, civil society organisations and political parties; coordination of election observation and monitoring missions; working towards the

establishment of electoral norms and standards for the SADC region and providing technical support to both the SADC-ECF and the SADC-ESN.

BALLOTING AND ELECTORAL SERVICES

The programme enhances the credibility and legitimacy of organisational elections by providing independent and impartial electoral administration, management and consultancy services. The key activities include managing elections for political parties, trade unions, pension funds, medical aid societies, etc.

EISA'S SPECIAL PROJECTS INCLUDE:
- Local Government, which aims to promote community participation in governance; and
- Political Parties, which aims to promote party development at strategic, organisational and structural levels through youth empowerment, leadership development and development of party coalitions.

EISA'S SUPPORT SERVICES INCLUDE:
- Research
- Publications
- Library
- Information and Communication Technology (ICT).

EISA PRODUCTS
- Books
- CD-ROMS
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- Country profiles
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