THE AFRICAN NATIONAL CONGRESS AND THE EVOLUTION OF SOUTH AFRICA’S ONE PARTY DOMINANT SYSTEM

Abstract

This paper analyses South Africa’s democratic system since the African National Congress (ANC) was elected to power. The liberal and pluralist character of South Africa’s democracy in 1994 has given way to a system with a far more majoritarian quality. The trajectory of the new democracy is best understood through the interplay between the ideology of the ANC and the broader effects of its electoral dominance. On the one hand, the ANC has a Jacobin understanding of democracy, viewing itself (and the state – once it has reshaped it) as the instrument through which the black majority is to achieve its aspirations. In this view, democracy remains incomplete for as long as important centres of power continue to be dominated by the white minority. On the other hand, the lack of any foreseeable prospect of an alternation in government removed a crucial inducement towards moderation for the ANC in power. It also deflated opposition, with important constituencies reluctant to contest the policies of the ruling party. The paper will also discuss the internal life of the ANC, and the degree to which intra-party democracy accounts, rather than compensates, for the relatively weak vertical and horizontal accountability of the system as a whole.

Introduction

Following the political transition in South Africa, many of the initial assessments of the prospects for democratic consolidation were sanguine. Broadly speaking, they fell along two lines. The first was that present trends would continue, and the particular circumstances which had led to the transition, would continue to drive the process forward. Chief among these were the balance of power within society between black and white, and racial interdependence. As Timothy Sisk put it, driving the transition forward was “the same simple reality of interdependence that caused the old order premised on exclusion to die and compelled the parties to negotiate new inclusive institutions”.1 For such authors the countervailing forces within society, and the negotiated agreements of the transition, were strong enough to check any authoritarian tendencies the ANC might possess. Liberal democracy would be sustained by the many different centres of power in state and society outside of the ANC’s influence, and the ruling party would also be constrained from interfering in the economy by the dictates of the international markets. The new order had inherited strong civil institutions from the old (whose senior ranks were predominantly staffed by white South Africans): a free and outspoken press, an independent judiciary, and a strong civil society. The ANC was, initially, also required to govern through a professional public service dominated by “watchful and wary” Afrikaners.2 Allister Sparks wrote

1 Timothy D. Sisk, Democratization in South Africa: The Elusive Social Contract (Princeton University Press: Oxford) 1995: pg. 14. See also Allister Sparks who wrote: “the unique balance of mutual dependency that made apartheid impossible and that drove its squabbling factions to a constitutional settlement against all the odds, will continue to bind the nation together.” Tomorrow is Another Country: The inside story of South Africa’s negotiated revolution (Heinemann: London, 1995), pg. 230
2 Heribert Adam, Frederik Van Zyl Slabbert and Kogila Moodley, further noted that “Critics of the interim constitution overlook the fact that the ANC had little choice but to enter into a temporary pact.
that the fact that “the new regime is having to work largely through the bureaucracy of the old” was a force for moderation, and co-operation across racial lines. Even more importantly, “almost alone in Africa, the black-majority government is backed by an experienced and efficient civil service, the absence of which has been a major reason for the collapse of services and general decline in other African nations.”

The separation of powers between the judicial, legislative, and executive branches of government were enshrined in both the interim and final constitutions. And, in the first few years of the transition the newly established Constitutional Court made various rulings against the executive.

The second line of argument rested upon a particular interpretation of the character of the ANC. For some authors, the ANC’s own ideological traditions, the character of its leadership, and its democratic structure, were all forces for self-restraint. The ANC was variously described, by sympathetic commentators, as possessing a moderate leadership, strong traditions of non-racialism and internal democracy, and a newfound, but sincere commitment to liberal democracy. For such writers, the character of the ANC would compensate for some of the weaknesses of South Africa’s new democracy – the party’s seemingly unchallengeable electoral dominance. The ANC’s dominant electoral position was even a force for stability and moderation – as it removed the temptation to resort to racial populism. In response to questions raised about the ANC’s commitment to such principles as the separation of powers Van Zyl Slabbert (et al.) wrote in 1997 that “it is difficult to sustain this argument in the light of the argument in the light of the manner and content with which the ANC leadership has negotiated the Constitution and has conducted itself since its adoption….The tendency on both the ANC and NP leadership side has been to outbid each other in their observance of liberal democratic principles and procedure”. This view of the ANC as having a strong ‘tradition’ of internal democracy rested upon the ‘broad church’ character of the liberation movement, the ‘loud diversity’ of its component parts, and its ability to accommodate different (and sometimes conflicting) interests, constituencies, and voices. Sparks saw the pluralistic character of the ANC as a check against any move to authoritarianism: “that the ANC is an inclusive ‘broad church’ containing many different viewpoints ensures that within its own structures all issues have to be debated extensively. This has inculcated a democratic culture that should counter any authoritarian tendencies that may emerge now that it is in power”.

The ANC’s emerging electoral dominance

From the start of the negotiations of the early 1990s, through the actual transfer of power, the great question mark over the prospects for democratic consolidation was the likely effect of the divided nature of South African society on the new democracy. Donald Horowitz had warned in 1991 that without careful constitutional engineering, universal suffrage would translate into ascriptive majority rule. Voting would occur

Inasmuch the NP could no longer guarantee stability without legitimacy, the ANC too could not have rule alone, given its own shortage of skilled administrators and its reliance on the legally entrenched NP-orientated civil service.”

Comrades in Business: Post-Liberation Politics in South Africa (Cape Town: Tafelberg, 1997) pg. 86

1 Allister Sparks, Tomorrow is Another Country, 1995, pg. 234

2 Ibid pg. 84

3 Sparks, Tomorrow is Another Country, 1995, pg. 233
along racial lines, there would be hardly any floating vote, and minorities would be locked out “from any significant political power, save what it can pry loose by violence and disruption”.6 Since the African National Congress (ANC) enjoyed a great majority of black support, racial voting patterns would translate into one-party dominance.

Initially the political actors in South Africa were unsure of the stability of the ANC’s electoral majority. The ANC itself was sensitive to the concerns of its supporters. And, some in the NP thought that once the liberation euphoria wore off it would be able to challenge the ANC for power. F. W. De Klerk described his decision to withdraw from the cabinet in 1996, and the muted response of the financial markets, as “a sign of maturity that the country was settling down to the normal process of multiparty competition”.7 From now on the NP would now play the role of a loyal opposition, and “either by itself or together with others, under its present name or some other” seek to win a majority of the vote.8

Yet, contrary to the expectations of some commentators, and the hopes of opposition politicians, the prospect of any alternation in government only seemed to diminish, through the first ten years of universal franchise democracy. By 1998, as Lawrence Schlemmer noted, “after an fall off of initial liberation euphoria, the ANC has settled into a stable super-dominant position among voters at a level just short of a two-thirds majority.”9 According to opinion polls ANC support would remain at above sixty percent throughout this period (non-choices excluded). In national elections, the ANC’s support increased from 62.7 percent in 1994, to 66.35 percent in 1999, to 69.6 percent in 2004. In line with Horowitz’s predictions there was little floating vote to speak of between parties supported by the racial majority, and those supported by racial minorities. Although there were substantial shifts between political parties appealing to racial minorities, the combined support of the previously white parliamentary parties – in their various manifestations – remained consistent at around twenty percent of the vote. Although this would decline towards the 2004 general election (See table 1.) In one sense at least Horowitz’s prediction was misguided. After the 1994 election there was a widespread acceptance of, or resignation to, the new political order by white South Africans. In the words of Alexis de Tocqueville “The ordinary fate of falling powers awaited” the former ruling group “each of their members followed his own interest”.10

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7 De Klerk emphasised that there would be no great departures in policy under Deputy President Thabo Mbeki, Mandela’s “likely successor”. Mbeki, De Klerk wrote, “fully endorses the free market and reconciliation policies that have emerged since May 10, 1994”.F.W. De Klerk “A Maturing Society” Harvard International Review Winter 1997/1998
8 Ibid
9 Lawrence Schlemmer “Where the parties stand now” Helen Suzman Foundation Focus No. 10 April 1998
10 Democracy in America First Book (Everyman Edition) 1994 pg. 56
Table 1.


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Thus, from the time of the ANC’s accession to power in 1994, there appeared little prospect of a change of government in the foreseeable future. What entrenched the ANC in power was not merely the fact of its formidable majority, but the perception that it would be in power indefinitely. This demoralised opposition supporters and led important sections of society (notably big business) to try and accommodate themselves with the ruling party. As Hermann Giliomee noted “the ethnic census quality of the 1994 result has given rise to the widespread belief that the ANC’s dominance will be prolonged, and this, more than the new government’s performance, bolsters the power of the dominant party and saps opposition confidence.”

The ANC’s electoral dominance also meant that an important incentive to moderation was absent from the new democracy. As James Madison wrote, a shifting majority, and the concomitant possibility of being displaced in power, was a crucial inducement to restraint for the ruling party. For, as he wrote, it creates an “uncertainty of condition” which leads the stronger parties to accept “a government which will protect all parties, the weaker as well as the more powerful”. A ruling party which knows it could well be in opposition after the next election, is more likely to accept limitations on its power, to respect the autonomy of state institutions, and also to refrain from abusing its office. It has to act in the knowledge that a new government could expose and punish those abuses and turn those powers (or any precedents it may have set) against them. The prospect of an alternation also ensures that the system enjoys the consent of the electoral minority.

ANC hegemony

By the end of 1996 the ANC had managed to bypass many of the constraints of the transition. The National Party had left the Government of National Unity, three years before it formally expired. In the final constitution the ANC managed to secure by 1996 a simple form of majority rule, or what Nelson Mandela called ‘ordinary democracy’, with few checks or balances designed to ameliorate the effects of the

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12 James Madison, “51. The Structure of the Government Must Furnish the Proper Checks and Balances Between the Different Departments” The Federalist Papers February 8, 1788
13 In April 1992, speaking at a joint press conference with Canadian Foreign Minister Barbara McDougall, Mandela said he would like the international community to ensure what he called ordinary democracy was imposed in South Africa. He said the ANC could not accept the “fancy proposals”
likely census nature of elections in the new South Africa. As Roger Southall noted, “so long as government has a majority in parliament, it can exercise untrammelled ‘majority rule’, albeit within the constraints set by the constitution”. The judicial interpretation of the constitution was ultimately vested in a constitutional court increasingly dominated by former ANC members and sympathisers.

One of the great concerns of liberal theorists, from James Madison to John Stuart Mill, was how to divide, limit and contain the power of the majority, while ensuring that institutions still derived their authority from society. As Madison wrote, a republic must not only guard against the tyranny of the rulers over the ruled, but also protect one part of society against the injustices perpetrated by the other. Part of the solution lay in ensuring that society was divided into “so many parts, interests and classes” that the rights of the minority would be under little threat from the “interested combinations” of the majority. The ANC, as an African nationalist organisation, had an understanding of democracy closer to the Jacobin conception – in turn, derived from Rousseau’s idea of the “general will”. Far from being an “unstructured multitude, divided by differences of opinion and interest” as some theorists had argued, the people were regarded as one, “that it is possessed, like an individual, of a single will.” Historically, two important consequences flowed from this idea. Firstly, the classically liberal notions of dividing and limiting power were submerged beneath the demand that since the people were regaining their sovereignty, their authority and power should be unfettered by constraints. Secondly, those who stood outside of, or in opposition to, the “general will” were seen as entitled to none of the rights and protections accorded to the people. As Robert Darnton has noted, “If the general will is organic and indivisible, anyone who expresses it speaks for the entire sovereign people, and anyone who opposes him must be an enemy of the people.”

In the South African context the ANC viewed itself as embodying the will, and of advancing the interests, of the historically deprived black majority. This status had been earned through the long struggle against white rule, and was expressed through the ANC’s massive electoral victories. As Thabo Mbeki noted in 1995 the previous years elections “proved that the policy and the programme of the African National Congress constitute the composite will of the majority of the people. The ANC is seen by the majority as the custodian and guardian best suited to advance and defend the aspirations of the disadvantaged.” Soon after coming to power in 1994 the organisation reiterated that its objective remained “the all-round political, economic and social emancipation of the black majority in general and the African people in being forwarded by the National Party government. "We want an ordinary democracy as practiced elsewhere in the world". Sapa report 7 April 1992

15 James Madison, “Federalist No. 51 The Structure of the Government Must Furnish the Proper Checks and Balances Between the Different Department’s” From the New York Packet. Friday, February 8, 1788.
18 TM Mbeki “Speech at the ANC National Constitutional Conference”, 31st March 1995
Although the ANC, with its Marxist intellectual heritage, formally delineated the black majority according to its class components it believed that the majority remained united around the common interest of dismantling “the legacy of colonialism and apartheid”. Despite the widening class differentials within the black population, emphasis continues to be placed on the struggle against the relatively privileged position of the white minority.

In turn South Africa’s racial minorities, and the white minority in particular, were seen as standing outside of, and in opposition to, the popular will. ANC documents generally refer to “the people” or “our people” in a way that excludes the white population (unless they join the movement and submit to its discipline). The prosperity of the white minority was, for the ANC, acquired through the exploitation and oppression of the black majority. Consequently the desire to preserve privileges acquired through colonialism, meant that the interests of the white minority remained objectively opposed to that of the deprived black majority. Soon after the ANC came to power Mbeki was warning predominantly black audiences that, “We must expect that many among [the white minority] will use [their] organised power to defend their positions of privilege by clinging to the levers of power in their hands, sniping at all efforts to bring about fundamental change, positioning themselves as professional critics whose full time job is to find fault and by placing obstacles in the path of transformation.”

In speeches to largely white audiences, Thabo Mbeki called for the establishment of a “national agenda” which would effectively preclude the movements programme of Africanisation from debate. Minority based opposition parties would be required to support this “national agenda” even though harmful to the immediate interests of their supporters. Mbeki warned that if the opposition were to obstruct or delay the ANC’s transformatory agenda there would eventually be an “explosion” of black anger. For the ANC the proper role of minority-based opposition was to control rather than represent their constituencies. In December 1997 the ANC described most minority based opposition parties as “counter-revolutionary” because, it claimed, they sought “to entrench the social relations of black poverty and white opulence – however modified - that were engendered by the system of apartheid.” Thus, although the participation of opposition parties in the political system is tolerated, they are regarded with some hostility. In one speech to parliament in November 1998 Mbeki dismissed the necessity for a strong opposition emphasising instead “the need for a strong and united national effort to end the continuing degradation of the black majority.”

For the ANC “democracy” (or what it terms the fulfilment of the “national democratic revolution”) was incomplete for as long as important centres of power, across state and society, remained in the hands of the white minority. The 1997 Strategy and Tactics complained that through the transition “the majority of public servants, especially at senior level, the captains of industry, and editorial rooms in most of the media shared the perspectives of the former government or its white opposition, including racial and gender stereotypes - all of them strategically placed to influence

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19 Strategy and Tactics of the African National Congress As adopted at the 49th ANC National Conference, December 1994. Similar sentiments were expressed in a 1996 ANC discussion document which stated, “our long overdue liberation has confirmed the ANC as the unchallenged embodiment of our peoples national aspirations for freedom and economic justice”. Towards a Strategy for Leadership and Cadre Development July 1996

20 Business Day 26th July 1994
the agenda of transformation in favour of the privileged classes." The ANC viewed the consolidation of democracy as being indistinct from the extension of party control. As the ANC intellectual Joel Netshitenzhe wrote, “The National Democratic Revolution is a process of struggle that seeks the transfer of power to the people. When we talk of power we mean political, social and economic control”.

The primary objective of the ANC after coming to power in 1994 was to capture state power. Precisely because its upper echelons were still dominated by Afrikaners, it needed to be taken hold of and remoulded in order to give expression to the popular will. The ANC describes the institutions of government so transformed as the “democratic state”. One of the reasons the terms of the negotiated settlement were controversial within the ANC, was that—by agreeing to the rights of the existing incumbents of the state—it had apparently set back a key objective of the liberation struggle (i.e. the seizure of state power). As Joe Slovo acknowledged at the time, “All we will achieve when we have won the election is to gain political office. We would not gain state power in the sense of having a complete transformation on day one of the police, the armed forces, the judiciary and the civil service”. Immediately after winning “political office” in April 1994 the ANC underplayed or obscured this particular objective. But this reticence was progressively discarded. The ANC National Executive Committee in January 1996 stated, “Fundamental though this is, it is not sufficient that we have elected organs of government which are accountable to the people. It is also critically important that the instruments of governance be structured and motivated to fulfil the democratically expressed will of the people.”

The restructuring of the state to fulfil this goal took two forms. From this period onwards the new government implemented a programme of rapid Africanisation designed to make the upper ranks of the state reflect the racial composition of society as a whole. The white incumbents of the senior positions in the state and security forces were generally discouraged from continuing their careers in state service by the freezing of opportunities for promotion, and then allowed to leave through a “voluntary severance package scheme” introduced in May 1996. They were generally replaced in key positions by political appointees, with a mandate to accelerate Africanisation, and who remained under party discipline. According to the November 1996 ANC document The State and Social Transformation this remoulded state should champion “the aspirations of the majority who have been disadvantaged by the many decades of undemocratic rule. Its primary task is to work for the

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23 Quoted in Patti Waldmeir, “Why the whites handed over their power: Last month South Africa's white rulers agreed a new constitution which will end white hegemony.” Financial Times (London) 4th December 1993
24 Statement of National Executive Committee of the ANC on the occasion of the 84th anniversary of the African National Congress, presented by President Nelson Mandela: January 8, 1996
25 Between that time and September 1997 22 249 civil servants took these packages from national departments, including 10 052 from defence, and 3150 from the department of safety and security (the police). A further 25 805 severance packages had been taken at provincial government level. Answer given by the Minister of Public Service and Administration to a question by Mr L. Singh MP. Question 41 National Assembly, Parliament 27th May 1998. By the 31st of July 1998 24 382 civil servants had taken severance packages at national level, and a further 31 956 had taken them at provincial level. Answer to a question by S E Opperman MP to the Minister of Public Service and Administration National Assembly Parliament 3rd September 1999
emancipation of the black majority”. The document continued that the task of the newly transformed state was to ensure that the most basic aspirations of the black majority “assume the status of hegemony which informs and guides policy and practice of all the institutions of government and state.” The document dismissed the liberal conception of limited government, as this would weaken the “democratic state” and deny “the people” the “possibility to use the collective strength and means concentrated in the democratic state to bring about the transformation of society”. This in turn would “enhance the strength and impact of other centres of power in society” still decisively controlled by the white minority, “with the resultant disempowerment of the people”. 26

The question of alternation

The ANC derives its ‘democratic’ legitimacy from three sources: The first, is through its long struggle on behalf of the oppressed black nation against apartheid and colonialism. The second, through its “overwhelming” majorities won at the ballot box. And the third, through the fulfilment of the “historic mission” of the organisation, and the dismantling of the “legacy of colonialism” manifested in the “racial imbalances” across state and society. As an organisation which enjoys such electoral dominance it has been able to lean most heavily in public upon that second leg (of electoral legitimacy). In internal party documents however more emphasis is placed upon the third source of legitimacy. Indeed, the ANC’s unique ability to correctly discern and fulfil the will and “aspirations” of the black majority can be read as granting the organisation an authority superior to that merely derived from its temporary electoral mandate.

Guillermo O’Donnell and Philippe C. Schmitter write that one of the key principles underlying modern political democracy is the principle of “contingent consent” (the other being “bounded uncertainty”). Political actors “agree to compete in such a way that those who win greater electoral support will exercise their temporary political superiority in such a way as not to impede those who may win greater support in the future from taking office; and those who lose in the present agree to respect the contingent authority of the winners to make binding decisions, in exchange for being allowed to take office and make decisions in the future”. 27 In a political situation where the ANC’s electoral majority appears unchallengeable, the question whether the ruling party would impede the opposition, were it to win over a section of the majority, from taking office, appears to be a moot one. Yet much of the animosity between the ANC and the Democratic Alliance (DA) can be ascribed to their different views of what the proper role of opposition should be. Although the DA feels bound by the laws adopted by parliament, it criticises the racial policies of the ANC, and asserts its (hypothetical) right to displace the ANC in power - alone or in coalition - should it ever win over a majority of the votes. For the ANC though, the DA’s oppositional stance is a threat to unity and transformation. In an internet column published the week before the 2004 election, Thabo Mbeki rejected the view that the

26 In practice the means the ANC has used to transform the state – such as the removal of highly experienced bureaucrats, and the reliance on a small group of ANC cadres to govern – has actually led to a loss of capacity, and the shrinkage of the reach of the state. The two most prominent exceptions to this rule of generalised institutional decay are the Treasury and Revenue Service.

essence of democracy lay in “two opposing political factions” engaging in an “endless struggle to gain supremacy one over the other”. For Mbeki the oppositional stance of the DA was a threat to national unity, and an obstacle to the fulfilment of the historic mission of the ANC. The weight of ANC ideology is opposed to allowing an alternation of government, at least before the historic mission of the movement has been effected, and the legacy of white rule has been dismantled. This is based on the belief (occasionally expressed) that it is the ANC rather than the electorate, who are best able to interpret the interests of the people. In line with other African nationalist parties the ANC commonly describes itself as playing a “vanguard” role. (It does not however restrict itself to a select group of hand picked revolutionaries but rather seeks “as far as possible, to embrace the entire nation in their ranks”). According to the ANC’s 1997 Strategy and Tactics without the ANC as their vanguard “the masses of the people” would “be left leaderless and rudderless, and thus open to manipulation against their own interests.” Were the minority based opposition parties ever to win over a section of the black majority, and displace the ANC in power, the historic mission of the movement would have been thwarted. At the ANC’s 1997 national conference the “white parties” were accused of deciding “against the pursuit of a national agenda”. It described the opposition view that they had a legitimate responsibility to “oppose us as the majority party” and a “democratic obligation merely to discredit the ruling party, so that they may gain power after the next elections” as a “a reactionary, dangerous and opportunist position”.

The hypothetical question of whether the ANC would ever willingly concede power, became more tangible with the response of that organisation to the crisis in Zimbabwe. In early 2000 the Movement for Democratic Change (MDC) emerged as an opposition capable of challenging Zanu-PF for power. In response Zanu-PF launched a campaign of violence and intimidation against the opposition, and began seizing white owned farms, partly to punish the farmers for their support of the MDC. Throughout the unfolding crisis Mbeki insisted (contrary to all evidence) that at the root of the crisis lay the unresolved “land question” in that country, rather than in Zanu-PF’s desperate measures to hold on to power. He told the South African Parliament on the 20th of September 2000, “What we have to help to address in Zimbabwe is... the land dispossession of the majority of the people of Zimbabwe that took place as a result of the colonial system”.. Mbeki added that the reason he was not going to “stand on platforms and denounce the government of Zimbabwe” was that such an approach “is not going to result in addressing this colonial legacy”.

The ANC government proceeded to recognise the legitimacy of both the 2000 parliamentary, and 2002 presidential, elections in Zimbabwe both of which were hopelessly flawed. Thabo Mbeki welcomed the conduct of the 2000 poll and congratulated Mugabe and Zanu PF on their election victory, calling on all parties to “respect and abide by the outcome as the expression of the democratic will of the people of Zimbabwe.” After the rigged 2002 presidential poll, which returned

28 Thabo Mbeki “South Africans of all races will vote for a people's contract” Letter from the President, ANC Today Volume 4, No. 14 • 9—15 April 2004
30 1997 Strategy & Tactics
31 Political Report of the President of the ANC, Mafikeng, 16th December 1997 (Delivered by Nelson Mandela.)
32 Thabo Mbeki “Statement on Elections in Zimbabwe” issued by the Department of Foreign Affairs 27 June 2000
Robert Mugabe to power, the ANC majority in parliament adopted a motion in parliament, which stated that the elections “substantially” reflected the popular will. The following day, in its definitive statement on the election, the South African cabinet endorsed the results of the elections as “credible” and “legitimate”.

**Internal democracy within the ANC**

As noted earlier, since the ANC was unlikely to lose power within the foreseeable future, intra party democracy was described (in the immediate aftermath of the transition) as an essential means by which South Africa’s new leaders could be held to account. Steven Friedman wrote, “for much of its history (with the exception of the exile period) the ANC has conformed to a key survival principle of dominant parties by avoiding strict discipline.” The “loud diversity” of the movement reflected an ability to “accommodate an array of interests and values”. In fact this was a glossing over of the ANC’s immediate past. The ANC of exile was a highly centralised bureaucratic organisation, modelled upon Soviet forms of organisation. Stephen Ellis wrote that by the end of the 1980s the “practice of democratic centralism had installed in power [in the exiled ANC] an elite which switched between major command posts and which did not tolerate criticism of its decisions”. In a review of Ellis’s book Howard Barrell wrote that the “ANC’s greatest internal failing” during the years of exile was an “inability to develop structures of internal democracy, or at least of consistent review and answerability, that actually worked.” There was however an opening up of the organisation as it returned to South Africa, and absorbed the internal structures of the liberation movement. During this period, the patronage wielded by the party leadership was limited. The organisation was also trying to build the broadest (and most multi-racial) possible front around a minimum programme of an end to political violence, the establishment of an interim government, and for the new constitution to be drawn up by an elected assembly. At this time the ANC perhaps came closest to its (Leninist) ideal of organisational life: free debate and discussion before a decision was made, followed by unity in action.

In 1994 South Africa adopted an electoral system which facilitated tight party control by the party leadership over their public representatives. Under closed list proportional representation the legislators chances of re-election are dependent on where they are placed on the list by the party. This is further affected by the procedure adopted by the different party’s for candidate selection. In the case of the ANC, while there is a fairly open nomination process, the National Executive Committee (NEC) has the final say over the choice of candidates. Initially, the ANC caucuses in the national and provincial legislatures were able to exercise a degree of autonomy. For instance, they elected their own officials (with the exception of the whips). Very soon however the ANC leadership acted to bring these bodies under central party direction. An ANC code of conduct adopted by the NEC in August 1994

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33 Sapa report 19 March 2002
34 Cabinet statement 20 March 2002
38 Scott Mainwaring; Anibal Perez Linan “Party Discipline in the Brazilian Constitutional Congress” Legislative Studies Quarterly, Vol. 22, No. 4. (Nov., 1997), pp. 475-476
stated, “All elected members” of provincial and national legislatures “shall be under the constitutional authority of the highest decision-making bodies of the ANC. Decisions and policies arrived at by the highest organ of the ANC (the National Conference and/or the National Executive Committee) shall take precedence over all other structures, including our structures in Parliament and Government”. 39 The relative authority of the ANC caucus in parliament was further eroded through the deployment of senior party members out of parliament and into the executive, the state, and parastatal institutions, from 1996 onwards.

In terms of a series of constitutional amendments passed at the ANC’s 1997 national conference the power of the party centre was further strengthened. Ambiguities created by the ANC’s entry into government – which created some space for party members in the legislatures and provinces to resist intrusions from the leadership – were removed. Party members holding “elective office in any sphere of governance at national, provincial or local level” were now “required to be members of the appropriate caucus, to function within its rules and to abide by its decisions”. 40 In turn, all legislative caucuses of the party, and all other organs, were brought under the explicit supervision and direction of the NEC. 41 The constitution was also amended to give the NEC the power to “suspend or dissolve a Provincial Executive Committee where necessary”. 42 This was a power subsequently exercised on five occasions. The old party oath from the exile period (when the ANC was fighting an insurrectionary war) which had been discarded after the ANC was unbanned was re-instated. This required members to abide not only by the aims and objectives of the African National Congress as set out in the party constitution and the Freedom Charter (as in the 1994 party constitution) but also all “other duly adopted policy positions”. ANC members were once again required to place their “energies and skills at the disposal of the organisation”, to carry out tasks given to them, and to “combat any tendency towards disruption and factionalism.” 43 In terms of the amended 1997 constitution the grounds for disciplinary proceedings were expanded to include violations “of the ANC Constitution, Rules, Standing Orders, Codes of Conduct” and a list of serious offences as set out in Rule 26. The NEC was also given the power to institute disciplinary proceedings against any member suspected of “participating in organised factional activity that goes beyond the recognised norms of free debate inside the organisation and threatens its unity.” The only real mechanism of accountability party members had over the NEC would be at the now five yearly national conferences,

39 This Code of Conduct applied to “all elected members of the National Assembly, the Senate and Provincial Legislative Assemblies who have been elected on the ANC list or, in the case of the Senate, who were elected to their positions by Provincial Legislatures” Code of Conduct for Elected Members of the ANC. As adopted by the National Executive Committee of the ANC, at its meeting on 28 August 1994.
40 Rule 5.2 (k) African National Congress Constitution: As amended by and adopted at the 50th National Conference (December 1997) See also “Resolution on Relationship Between ANC Constitutional Structures and Institutions of Governance” Resolutions of the 50th National Conference of the ANC (December 1997)
41 Rule 11.2(c) ANC Constitution (December 1997) The clause states the NEC shall “supervise and direct the work of the ANC and all its organs, including national, provincial and local government caucuses”. (Changes from the 1994 constitution are in italics.)
42 Ibid, Rule 11.2(d)
43 It is a power the NEC has exercised on four occasions. In May 2000 the NEC dissolved the Gauteng and Free State PEC’s and a year later (May) dissolved the Northern Province one. The Mpumalanga PEC was “strengthened” with deployments from the NEC in June 2001.
where that body was elected. The ANC also reaffirmed democratic centralism as providing the guiding organisational principles of the movement.

The ANC should exercise maximum political discipline among its members, and ensure that, after ideas have been exchanged and decisions taken, all its structures and members pursue the same goal…In all centres of power, particularly in parliament and the executive, ANC representatives must fulfil the mandate of the organisation. They should account to the ANC and seek its broad guidance. As a matter of political principle, and in our structures and our style of operation, we proceed always from the premise that there is one ANC, irrespective of the many and varied sectors in which cadres are deployed.

In practice, the chief instrument of control wielded by the leadership was through control over political patronage. This re-emerged as a factor in ANC politics soon after the ANC came to power. A Mail & Guardian article following the expulsion of Bantu Holomisa from the ANC spoke of the emergence of a “culture of fear” in the organisation. One anonymous ANC MP ascribed the increasing reluctance of party members to speak out to a fear of offending the party leadership with now possessed substantial powers of patronage:

If people want to rise, they must be seen to be in good standing by certain people. Some people are keen to say certain things to enhance their positions - or because they already occupy a position they don't want to lose. The career aspect has never been a factor in ANC politics before - it's a totally new situation.

Between December 1997 and 2000 formidable powers of appointment would be vested in the hands of President Mbeki and the National Working Committee (NWC). In terms of the 1997 conference resolution on cadre policy, decisions on deployments to party and state were centralised in the hands of a national deployment committee, falling under the NWC. Although the provincial structures of the party retained the power to elect their own leadership, in August 1998 the NEC took the power over the selection of Premier candidates from the provincial structures, and gave it over to Thabo Mbeki, as President of the ANC. In March 1999 legislation was passed giving him the final say over the appointment of Director Generals (a power which had previously been in the hands of Ministers). Following the June 1999 election the heads of committees, speakers and ANC whips in parliament were all appointed by the NWC. The ANC also decided which opposition politicians should sit on the Judicial Services Commission (excluding the Democratic Party’s representative). By 2002 senior ANC figures were complaining about the disappearance of a “culture of debate” within the organisation, and of a shift of real power away from the NEC to the party executive. In his interview with Helen Sheehan, the SACP intellectual (and member of the NEC) Jeremy Cronin observed that: “The power of the NEC has diminished considerably over the last period… So it’s a struggle, fighting to make the NEC be what it should be, the main policy forum between conferences of the ANC. So it’s a battle where one loses some and gains a little but overall the trajectory has been a diminishing of the significance of the NEC.”

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44 Periods in between conferences were extended from three to five years. Rule 9.7 (a) ANC Constitution (December 1997)
45 Strategy and Tactics as Amended at the 50th National Conference of the ANC (December 1997) This clause is present in both the draft and final versions.
46 Gaye Davis “South Africa: ‘Authoritarian’ leadership alarms ANC politicians” Mail & Guardian 4th October 2002
47 24th January 2002
Formally, the ANC is a highly centralised organisation. In practice the leadership cannot simply impose its will on the membership, and generally the system works through nominations from below, and appointments from above. Because “factionalism” is prohibited within the ANC, party members cannot mobilise or campaign against the decisions of the leadership from within ANC structures. (Such prohibitions have not prevented the rise of personalistic cliques at lower levels of the party, but these are factions of ‘interest’ rather than factions of ‘principle’ (Rigby).) Immediately after 1994, charismatic ANC leaders in the provinces could use their public profiles as Premiers, and the provincial structures of the party, to campaign for national leadership positions. However, after Mbeki acquired the ability to appoint ANC premier candidates, and the NEC acquired the power to disband PECs at will, this possibility fell away. The party membership do still have a role in extensively discussing party policy (although their actual influence is open to debate) and they can make their unhappiness felt through party structures. But while there is participation within the ANC, there is no real contestation. The two ANC alliance partners – COSATU and the South African Communist Party – do provide a base from which party members can criticise, and campaign against, the decisions of the ANC. Crucially, both institutions have an elected leadership, and this is what allows them to maintain their autonomy.

The ANC’s electoral dominance has allowed the current leadership to marginalise many of its most able and charismatic leaders, without any noticeable loss of popular support. That said, the electoral system does provide an incentive to try and keep key leaders and constituencies within the (broad) ANC camp. One of the advantages of South Africa’s closed list PR system is that it is extremely sensitive to shifts in popular support (a quarter of a percent of the vote translates into one seat in parliament). The only time the ANC’s support has fallen below 60% (according to one series of opinion polls) was when the former Transkei leader, Bantu Holomisa, was forced out of the ANC and into political opposition. After the formation of his United Democratic Movement (UDM) there was a noticeable dip in ANC support between November 1997 and October 1998. The Tripartite Alliance is arguably kept together by uncertainty engendered by the ANC’s electoral dominance, combined with South Africa’s particular electoral system. The ANC leadership do not expel COSATU and the SACP for fear that they would take a substantial percentage of the ANC’s support with them. COSATU and the SACP do not leave because they still exert considerable influence, and perpetual opposition in a dominant party system is unappealing. The leverage of both parties in negotiations is however dependent on each claiming that they can do without the other. Thus, while they are continually threatening to break up with the other, the relationship endures.

Centralisation

The ANC’s electoral dominance, its internal party rules, and the legislation it sent through parliament, combined to create a highly centralised political system characterised by weak horizontal and vertical accountability. At local government level the government – on the advice of an “independent demarcation board” directed by an ANC loyalist— reduced the number of municipalities, and district councils, from 843 to 284. This system clearly advantaged the majority party in each province. Thus, while the ANC won 59.5% of the vote in Gauteng in the 2000 local government
elections, South Africa’s industrial heartland, and the Democratic Alliance 31.8%, the ANC won control of 11 municipalities to the DA’s 1. In the Western Cape, the one province where the DA won a majority of the vote (51.6%), it won control of 13 councils, as opposed to the ANC’s 4 (40.1%). Overall, the system clearly advantaged the ANC, which then enjoyed majority support in seven of the nine provinces. Under legislation implemented after the 2000 local government elections, ANC controlled municipalities adopted an Executive Mayor system. The mayor appointed (and could dismiss) an executive committee to run the municipality. In terms of the legislation the executive mayor was to be elected by the municipal council. In practice, the mayoral candidates for each ANC municipality were appointed by the party’s NWC, on the advice of its national deployment committee. In ANC controlled municipalities opposition parties were excluded from these executive committee.

What is striking about the ANC’s early move towards centralization—and particularly the process of extending control over the state—is the weakness of the response to it by civil society. Between 1996 and 1999 this process of centralisation went largely unchallenged, or was approved of, by most of civil society including much of the white intelligentsia. As pointed out earlier, in 1994 many assessments of the prospects for democratisation in South Africa emphasised the objective strength of civil institutions, and of constraints on the government. From 1997 though the ANC began openly pursuing a hegemonic agenda. Party documents openly talked of the need to seize control over the “levers of power”. Perhaps to their surprise, the ANC found themselves pushing against an open door. The ANC met very little opposition in the appointment of party members to supposedly independent state institutions, and in exerting its influence over the appointment of judges. By the end of 1998 this programme had been so successful the ANC announced that there would be no need to review the constitutionally enshrined independence of these institutions.

There was a marked change in sentiment through the early 1990s in favour of the desirability of centralisation. This change is well illustrated by the response to the ANC’s programme of cadre deployment, and its efforts to win a two-thirds majority at the 1999 election. The immediate intention of the policy of cadre deployment was to place ANC cadres in all strategic state positions—in the expectation that they would pursue the objectives of the ruling party and remain bound by party discipline. This was followed in 1998 by a series of high profile appointments of ANC members to the senior positions in the army, prosecuting authority, police, intelligence services, reserve bank, and so on. This policy was a reflection of an underlying philosophy which did not regard autonomous centres of power—whether within the party or without—as legitimate or desirable. Clearly, this programme led to a conflation of party and state. Two quite predictable consequences were that it led to the politicisation of the state machinery (and decision making within these institutions) and it seriously eroded horizontal accountability. Yet this policy was either excused or welcomed by many of the major English language newspapers in South Africa. It was defended on the basis that it was enhancing democracy, for it was placing power—both symbolically and substantively—in the hands of the black majority. It was “unrealistic” a Business Day editorial opined, in the early days of open cadre deployment, to expect “a black government to keep old order whites in powerful,

48 ANC spokesman Thabo Masebe was quoted as saying that the ANC did not need a two-thirds majority to “transform” the judiciary and the office of the Auditor General. (Die Burger 10 December 1998)
politically sensitive public service posts." In a 1999 article Carol Paton wrote in the Sunday Times that the decision to deploy cadres to supposedly independent institutions stemmed from the “realisation within the ANC that, after some years in power, in many institutions life continued much as it had before - in a manner either antagonistic or oblivious to the needs of the black majority.” While spelling out many of the dangers she also wrote that “from the point of view of democracy, change - which in general means seeing black faces where once there were white ones - is what the majority of people expect. Race remains the most important sign of change.”

Before the 1994 elections a number of the English language newspapers endorsed the liberal Democratic Party on the basis that it would be the most effective opposition, and that the ANC (who were clearly on course to win the election) needed a counterbalancing force. Among the English language newspapers there was a concern at the likelihood of ANC hegemony, and an acknowledgement of the need for a strong opposition. Thus, the editor of the Sunday Times wrote that “It would be a great pity if the ANC won two-thirds of the vote: the temptation to trample all opposition in rewriting the constitution might prove irresistible to those ANC leaders—and they are not few—who think they can solve all our problems if only they have enough power to compel us to do what they say.” The editorial of Business Day stated that the Democratic Party was the only party that could be “trusted to play the proper watchdog role. Its record and experience of opposition politics will be crucial to the functioning of a proper democracy. The two greatest threats South African will have to face under a majority government are economic mismanagement or abuse and autocracy that tramples on individual freedoms”. The Cape Times endorsed the “muscular opposition” of the Democratic Party as “the ANC suffers from an incipient triumphalism and authoritarianism matched by the NP’s mercenary willingness to exchange power for privilege”. “Never again should this country have to suffer a hegemony which smothers opposition, however good the cause”.

The question facing the country in 1999 was the very much the same as it had been in 1994. The ANC was likely to win, the only question was by how much. Yet this time around, there was an almost unrestrained celebration of ANC dominance. Most of the more cerebral English language newspapers endorsed the ANC for the election, either explicitly or implicitly. A number of prominent white intellectuals announced that they had changed their party allegiances and were now going to vote for the ANC. The Democratic Party, while arguably having maintained true to the mandate given to it in 1994, was excoriated for its opposition to the racial content of the ANC’s transformatory project. The same newspapers which had warned against the dangers of hegemony in 1994, were now dismissive of the danger of the ANC gaining a ‘two-thirds majority’ - and with it the ability to change the constitution unilaterally. For example, the editor of the Cape Times, Ryland Fischer, wrote, "Politics is about power and winning as many votes as possible. If parties are uncomfortable with winning as many vote (sic) as they can, should they really be contesting the election? Is this a real issue, or just smart politicking on the part of smaller parties hoping to cash in on fears of a two-thirds majority?…Linked to the two-thirds majority issue is

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49 Business Day Editorial 20th July 1998  
50 Carol Paton “The benevolent dictators of political redeployment” Sunday Times 29 August 1999  
51 Sunday Times 24th April 1994  
52 Business Day lead editorial, 22 April 1994  
53 “A mandate for liberalism” Cape Times editorial, 25th April 1994
the defence of democracy. If the ANC, which has majority support by far, cannot be trusted to defend democracy, who else could we trust?"54 Business Day wrote, in its editorial, that there was no need to fear that a “two thirds majority would free the ANC to fiddle with the constitution. That is a red herring. Rather, too large a majority could make the ANC and our new president complacent and more prone to corruption and cronyism.” Notwithstanding these concerns, it said that “on balance, our vote goes to the ANC in recognition of the job it has done since 1994.”55 The Sunday Times editorial, which implicitly endorsed the ANC stated that “there is a lot of rubbish being spoken about the dangers of a two-thirds majority…Instead of manufacturing scare stories designed to exploit the fears of privileged minorities, opposition parties should be putting in place leaders and policies that will be viewed as credible by the majority. Which brings us to the final issue that guided our thinking – that the real threat to South Africa’s democracy is not that the ANC will win a two-thirds majority but that we as a nation will fail to redress the inequalities that exist between the (mainly black) poor and the (mainly white) well-off”.56 (My italics). The editor of the Sunday Independent, John Battersby, positively welcomed the possibility of the ANC winning such a super majority: Explaining that the newspaper would not endorse a particular party he wrote that “I feel compelled to explain my intention to vote ANC for the first time… If the ANC gets a two-thirds majority” he went on “so much the better because I believe it will speed up the process of change. I am confident that the ANC respects the constitution and will honour the checks and balances against the excesses of executive power.”57

The reaction of intellectuals and commentators to the Democratic Party’s campaign on the other hand was, as Steven Friedman noted approvingly, one of “almost universal antipathy”. Although the DP ran a negative campaign, orientated towards minority voters (the only swing voters accessible to it within South Africa’s racially determined voting patterns) it, as Friedman had to concede, did not “deviate substantially from its traditional and classically liberal concern for individual rights and vigorous pluralism.” Yet the DP's election slogan “Fight Back” – which warned of the dangers of a Two-Thirds majority, and criticised centralisation and re-racialisation– was attacked by such informed opinion not “as criticism of a governing party by a loyal opposition, but as an assault on post-apartheid South Africa.”58

Some of the press comment of the time tilted perilously towards an endorsement of one-partyism. In one article Richard Calland of the Institute for a Democratic Alternative in South Africa (IDASA) questioned the value of political pluralism and called for the “liberal notion that rotation of power is good for democracy” to be subjected to “serious scrutiny”. For Calland what was needed was for the ANC to translate its electoral authority into “sufficient power” to overcome countervailing forces and “to achieve what the Constitution demands of it by way of radical social and economic transformation.” He noted that the dilemma for government was “how to increase power without diluting accountability”. But he saw accountability – to the

54 Editorial Cape Times May 1999
55 “Pondering the dilemma of June 2” Business Day editorial 31st May 2004
56 “Help rid South Africa of the cancer in our midst” Sunday Times editorial 16th May 1999
57 John Battersby, “Why I have decided to give the ANC my vote for the first time” Sunday Independent [Johannesburg] 16th May 1999

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majority – as being exercised through the “bright but troubled array of state-of-the-art democratic institutions” established by the constitution. Since the ANC either dominated these (parliament), or had already penetrated them, this amounted to little more than an expectation that the ANC should hold itself to account.59

It was not a major concern of these intellectuals and journalists, at this time, that the ANC might one day act against the interests of the black majority or abuse the power it was so accumulating. Thus, not only did the bulk of local and international press opinion not oppose this policy of centralisation, they generally welcomed it. This was because the ANC was not seen as acting against democracy, but as giving fuller expression to it. J.S. Mill noted that restraints on government power – through political liberties or rights, and constitutional checks – emerged in response to rulers whose interests were presumed to be “habitually opposed to those of the people”. At the moment however when power passed into the hands of the people – through those elected and removable by them – the feeling emerged that “too much importance had been attached to the limitation of the power itself”. “The nation did not need to be protected against its own will. There was no fear of its tyrannizing over itself.” Those put in power by the people could be trusted, for “their power was but the nation’s own power, concentrated and in a form convenient to exercise”.60 Elie Kedourie made a similar point, when he wrote that the despotisms established in Europe over the past few decades, “and those which have now taken over from European rule in Asia and Africa” are founded upon “the pathetic fallacy, namely, that a government is the same as its subjects and is flesh of their flesh; and the philanthropic fallacy, namely that the aims and interests of government are the very same as those for which the governed work and struggle.”61

There was a similar shift in sentiment in South Africa during the course of the transition – reflected partly in the more majoritarian nature of the final constitution - from thinking that government should be checked and balanced, to feeling that the essence of democracy lay in placing ever more power in the hands of the (now democratically elected) ruling party, so that it could fulfil the passions and desires of the majority ‘unfettered by constraints’. Power should be as concentrated as possible in the central party apparatus to give effect to the majority will, to pursue the interests of that majority, and to overcome the ‘inevitable’ white resistance to change. The role of the Constitutional Court was less to constrain government, and more to ensure that government held to the substantive provisions of the constitution (designed to uplift the deprived majority) if legislative or executive action appeared to depart from them. It would only be later when the ANC leadership was seen as using those accumulated powers to pursue policies harmful to the majority – most notably, in preventing the provision of anti-retroviral drugs to AIDS sufferers – that the “philanthropic fallacy” was fractured, and a renewed suspicion arose of centralised power.

Conclusion

Two crucial characteristics account for the ANC’s dominance: firstly, the ruling party is seen to enjoy overwhelming popular support and as a result it possesses formidable

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59 Richard Calland “South Africa Politics; Weighty win a comfort or a threat?” Mail and Guardian (Johannesburg) June 11, 1999
61 Ibid pg. 135
democratic authority. Secondly, it is presumed by all significant sectors that it will remain in power for the foreseeable future. Thus, the opposition cannot really act (although hope springs eternal) in the expectation that it will win over a section of the majority, and form part of a new government. It does not have the imminent prospect of power, and the promise of future patronage, with which to maintain cohesion. Nor, is there the credible prospect of the moral vindication that an election victory would bring. For those in the uncommitted middle ground there was every incentive to accommodate oneself with the ruling party (and no fear of punishment for doing so, following a change in government.) Since effecting a change the government was regarded as futile, the overwhelming prerogative was to try and influence the ANC. Newspaper editorials would first extravagantly praise the government, and then present some mild suggestions for some change in policy. Big business, although far closer ideologically and socially to the opposition than to the government, donated substantial sums to the ANC’s 2004 election campaign (and were exceedingly reluctant to fund the opposition, for fear of offending the ruling party).

It is conceivable that the ANC’s “dominance” could be eroded in one of two ways, even though it may still hold on to power. A dominant party (at least in the developing world) can use various means to maintain itself in power, through control over the public broadcaster, advantages in fundraising, spending public monies on electioneering, and some minor electoral fraud, all of which advantage it. But as long as it continues to enjoy majority support it will retain its democratic legitimacy. But were it ever forced to overtly rig an election to prevent another party coming to power—and is seen as doing so (as in Zimbabwe in 2000 and 2002)—then its democratic authority would seep away from it, and it would just be perceived as another authoritarian regime. Equally, if the expectation of perpetual dominance is broken—through, perhaps, a dramatic fall in support—and people start looking beyond it (and begin factoring a change of government into their calculations), then the dynamics of the political system would start to change.

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62 In the April 1995 parliamentary elections in Zimbabwe, Zanu-PF captured 118 of the 120 elected seats. The U.S. State Department catalogued a series of abuses in the electoral process. But it noted that “although the legislative and campaign climate remained tilted in favour of the ruling party, impartial election monitors found the April general elections to be generally free and fair.” (U.S. State Department “Zimbabwe Human Rights Practices, 1995” March 1996)