

# LEADERSHIP AND THE ANC: THE THABO MBEKI ERA IN SOUTH AFRICA

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## ABSTRACT

South Africa has been considered a bastion of democracy on the continent of Africa since its first fully democratic election in 1994. Yet, under its second president since apartheid, Thabo Mbeki, the consolidation of South Africa's democratic gains tended to slow or even stagnate.

This thesis develops a theoretical backdrop by explaining competing theories of leadership and development in Africa. With Thabo Mbeki's promotion of the African Renaissance he should be considered to have promoted a good governance model of growth and leadership within South Africa. To determine whether Mbeki actively followed through in implementing good governance practices as leader of South Africa and the ANC this thesis analyzes three aspects of the African National Congress (ANC): centralization, corruption and the 2007 leadership succession. Through this analysis of these three aspects of the ANC under Mbeki the thesis moves to determine whether the former president should be considered to have cultivated a good governance regime while in office or whether his leadership of South Africa embraced more neopatrimonial logic.

This study finds that under Mbeki neopatrimonialism expanded significantly, particularly within the ruling ANC, and can to a certain extent be used to explain Mbeki's actions while president of South Africa. Despite actively promoting a good governance agenda this thesis argues that Mbeki contributed to the stagnation of democratic gains in South Africa. This legacy will continue to affect future South African leaders including Mbeki's arch-rival Jacob Zuma.

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## LIST OF ABBREVIATIONS

AIDS	Acquired Immune Deficiency Syndrome
ANC	African National Congress
ANCYL	African National Congress Youth League
BEE	Black Economic Empowerment
COSATU	Congress of South African Trade Unions
GDP	Gross Domestic Product
GEAR	Growth, Employment and Reconstruction strategy
MP	Member of Parliament
NEC	National Executive Committee
NEPAD	The New Partnership for Africa's Development
NGO	Non-governmental Organization
NPA	National Prosecuting Authority
NP	National Party
NWC	National Working Committee
OECD	Organization for Economic Co-operation and Development
PR	Proportional Representation
SABC	South African Broadcasting Corporation
SACP	South African Communist Party
SFO	Britain's Serious Fraud Office
SAPS	South African Police Service
SCOPA	Standing Committee on Public Accounts
UN	United Nations
WTO	World Trade Organization

## CHAPTER ONE: INTRODUCTION

The history of post-independence Africa is often highlighted by the failure of democracy to take hold and consolidate. In a few countries on the continent democratic traditions have taken root and led to strong democratic institutions. Yet, many countries have witnessed spectacular failure with regards to democratic governance. This has led to considerable research on why wave after wave of democratization has failed to consolidate and produce strong democratic governments in Africa.

South Africa has often been considered a model in Africa because of its strong democratic transition which followed the end of white rule and apartheid. Yet, even as South Africa has been touted as a model for good governance within Africa, the years since the introduction of democracy have seen stagnation in the country's attempt to consolidate governance improvements. Despite the moral authority of the African National Congress (ANC), the leader in the fight for democracy, problems began to develop and much of the goodwill built up under Nelson Mandela was lost during the two terms of the second president, Thabo Mbeki. This has been attributed in part to his bizarre behavior and policy decisions regarding a variety of issues such as AIDS, Zimbabwe, and corruption. In consideration of these issues a broader concern could be raised about Mbeki's leadership ability. Specifically, to what extent has South Africa improved, from a governance standpoint, if at all under the leadership of Thabo Mbeki?

This thesis will analyze the initial years of South Africa's democracy under the leadership of Thabo Mbeki and the ANC. The Mbeki years were an important period given the uncertainty of entering the post-Mandela era. Mbeki had been a strong proponent of good governance and most were confident given the moral authority the

ANC had built up that South Africa could weather the inevitable letdown after Mandela. Yet, significant issues arose during Mbeki's time in office which led to problems. I argue in this thesis that, despite Mbeki's proclamations of adhering to good governance, he did not follow through on those promises. Instead, I argue that Mbeki should be considered to have followed a more neopatrimonial model of leadership.

Thabo Mbeki warrants analysis due to his important time as president of South Africa as well as the leadership he displayed within the broader African continent. Of specific interest is his call for an African Renaissance that urges for the rebirth of the African continent and for its people to rise up and realize their potential. The central aspect of Mbeki's Renaissance is The New Partnership for Africa's Development (NEPAD) plan which touts African solutions for Africa's problems upon a framework of good governance.

The importance of good governance in Africa has been discussed at length. The main argument for implementing good governance in Africa is its ability to spur development. There is a growing understanding that theories for development in developing nations can not simply 'fix' problems by focusing on singular issues such as economic growth. A growing view amongst academics, non-governmental organizations (NGO) and others is the overriding importance of politics for development.

When African nations first gained independence from colonial powers during the 1960's it was thought that this would bring change to Africa. Often these events were hailed as the opportunity for African nations to take hold of their own destiny and pursue their own goals, separate from colonial powers. Since independence the continent has witnessed halting progress and in some cases regression in terms of development,



democracy, and peace despite numerous attempts to foster all three on the continent. Due to halting development, good governance has become an integral solution posited for developing African states.

The growing importance of good governance in African nations is due to the economic and political growth it can facilitate. Growth in jobs, wealth and gross domestic product (GDP) all contribute to raising standards of living for Africans. Growth is often spurred on through foreign direct investment from multinational corporations along with crucial aid from developed countries. This has led to a growing market for good governance information. What has followed is the creation of governance indicators that rate levels of governance for investing companies and donor countries. There is such a market for understanding governance ratings that a number of organizations, such as the World Bank and the Organization for Economic Co-operation and Development (OECD), among others, have begun to rate governance in the developing world through specific indicators. The interest stems from a growing desire by companies and countries to calculate governance ratings as it has become one of the most important factors when corporations or countries look to invest in developing economies.<sup>1</sup> The OECD has outlined four additional reasons for the growing interest in governance. They included: 1) international investment has grown substantially; 2) the end of the Cold War; 3) failed policy reform, and 4) new intuitional economics.<sup>2</sup>

Poor governance hinders positive growth and development on the African continent. The Blair Commission, a panel set up by former Prime Minister of Britain Tony Blair to develop solutions to problems of African development claims that

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<sup>1</sup> Christiane Arndt and Charles Oman, *Uses and Abuses of Governance Indicators*, (OECD Publishing, 2006), 9.

<sup>2</sup> *ibid.*, 17-18.

“...without progress in governance, all other reforms will have limited impact.”<sup>3</sup> There has been significant research to suggest that there is a definitive link between improved governance and better development, as seen in income per capita, child mortality, and illiteracy.<sup>4</sup> The commission argued that if Africa does not improve its governance; reforms in trade, debt relief, and aid will only provide cosmetic changes to a dire situation.<sup>5</sup>

Interest in good governance is growing within Africa as illustrated by two recent initiatives. The first is the founding of the African Leadership Council, which has produced a code of African leadership with twenty-three “commandments,” and the Mombasa Declaration which identifies improved leadership as the most viable path to good government.<sup>6</sup> It specifically promotes good governance principles such as the rule of law, anti-corruption measures, and respect for human rights. The council is made up of African men of “...unusual personal probity and esteem and as accomplished proponents of good governance.”<sup>7</sup>

The second development is the Mo Ibrahim Prize. The prize is a cash reward of \$5 million over 10 years and \$200,000 annually after that given to a former African leader who demonstrates good African leadership.<sup>8</sup> Mo Ibrahim, the founder of the prize, is a former businessman in Africa who recently sold his mobile communication company, Celtel.

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<sup>3</sup> Commission for Africa, *The Commission for Africa: Our Common Interest*, (London, UK: Penguin, 2005), 135.

<sup>4</sup> *ibid.*, 136.

<sup>5</sup> *ibid.*, 136.

<sup>6</sup> Robert I. Rotberg, "Strengthening African Leadership," *Foreign Affairs* 83, no. 4 (Jul/Aug, 2004).

<sup>7</sup> *ibid.*

<sup>8</sup> Anver Versi, "The Ibrahim Index on African Governance.(Africa's Top 100 Banks)," *African Business*, no. 336 (2007).

Both developments demonstrate a growing interest in good governance within Africa. Yet, despite the growing interest in good governance from African nations, aid donors, and NGOs there is considerable evidence that improvements are difficult to achieve and show minimal results at the grass roots level. Despite African countries adopting measures adhering to good governance principles, their democratic improvements tend to fall significantly short of their goals. Such is the case in South Africa under Mbeki where, despite strong signs of the promotion of good governance, progress has been slow.

This thesis will delve into the question whether Mbeki has adopted and consolidated good governance practices. If he did not, the thesis will then discuss whether this was due to Mbeki following neopatrimonial model of leadership. In Chapter two, the thesis will review the history of development which has led to good governance becoming the latest formula to 'fix' Africa. Then, it will attempt to define good governance and outline the World Bank's six indicators to develop a procedure of assessment to study South Africa and Mbeki. The second part of Chapter two focuses specifically on neopatrimonialism. Two different yet interrelated theories based upon neopatrimonialism will be discussed to explain leadership in the African context as well to help explain why African states seemingly fail to consolidate progress in good governance. Finally, Chapter two will discuss Mbeki's promotion of good governance through NEPAD which will put Mbeki's own adherence to good governance in its proper context.

Chapter three consists of a case study of South Africa. Specifically, the chapter will focus upon Mbeki's leadership of the ANC during his time as president. Narrowing the

focus to centralization, corruption, and the 2007 leadership succession the thesis will construct a comprehensive understanding on Mbeki's tenure in office.

Chapter four moves forward to use this case study of Mbeki to determine whether he followed good governance, as he himself insisted African leaders and nations must do under NEPAD. The first part of Chapter four will determine Mbeki's success or failure to follow good governance practices by analyzing his performance in relation to the World Bank's governance indicators. The second part of Chapter four will then look to the emergence of neopatrimonialism through theories presented by Bratton and van de Walle, and Chabal and Daloz. Chapter four will close with an in depth discussion on South Africa's situation after Thabo Mbeki.

Finally, in Chapter five, a brief analysis of a few 'causes' that have brought South Africa to its current situation will be reviewed. As well, there will be a short section on the future of South Africa based upon the conclusions of this thesis.

## CHAPTER TWO: COMPETING THEORIES

### **Introduction**

It is not a difficult research assignment to find examples in Africa of ‘big men’ who, once coming to power, curbed opposition to their rule, rigged elections, and took control of media outlets, to list only a few offences against their populations and good governance. Examples range from the Banda dictatorship in Malawi to Daniel Arap-Moi in Kenya and Mobutu in Zaire. The list is seemingly endless of African leaders who have thrown any semblance of good governance and leadership away in favour of tyrannical rule and dictatorship. In this chapter the two ideals of leadership competing in Africa will be dissected to create a theoretical backdrop for a case study on Thabo Mbeki and the ANC. Both west-centric good governance models and African models, such as neopatrimonialism, will be analyzed with regards to their applicability to South Africa. The final section will discuss Thabo Mbeki’s commitment to good governance as seen in his commitment to the New Partnership for Africa’s renewal.

### **Theories on Development**

#### **History of development**

The endless examples of faltering governance and general inability to create stable political, economic, and social regimes in many African countries have led to a number of suggestions for reform in Africa. Goran Hyden provides a succinct history of these reforms by explaining that the realization that there is a connection between governance and development is a recent one; as it took analysts time to understand that development meant more than simply policy, but also politics. Initially, development was conceived of as best attained through expertise and capital transfers which emerged from the world’s

experience in Keynesian interventions in postwar Europe. Development was simply understood as a replication of Western experiences, just in a shorter time frame. This ‘projects’ based philosophy was implemented throughout Africa during the independence era of the 1960’s.<sup>9</sup>

Near the end of the 1960’s it became clear that ‘projects’ were simply not fulfilling their promise due to numerous unintended consequences. To counter their failure, a new philosophy of ‘programs’ emerged because, it was argued, a more “...concerted sectorial thrust...”<sup>10</sup> was needed. Thus, integrated development programs became the latest trend in the 1970’s with governments expected to take a leadership role in development.<sup>11</sup> Unfortunately, by the end of the decade it was obvious that African governments were incapable of realizing their developmental goals due to extreme inefficiencies which made it unsustainable to continue development programs and projects. This became even more pronounced when the energy shocks hit Africa in the 1970’s.<sup>12</sup>

Once again new strategies emerged to help facilitate development on the African continent. Consideration was given to creating specific policy conditions which could bring about economic renewal and development. The World Bank took the lead and created economic reform programs called Structural Adjustment Policies, aimed specifically to enhance the private sector of sub-Saharan African nations. These policies were to free up resources from the government for use by other actors to reduce large

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<sup>9</sup> Goran Hyden, "Governance and the Reconstituion of Political Order" In *State, Conflict, and Democracy in Africa*, ed. Richard A. Joseph (Boulder, Colorado: L. Rienner, 1999.), 180.

<sup>10</sup> Hyden, *Governance and the Reconstituion of Political Order*, 181.

<sup>11</sup> *ibid.*, 181.

<sup>12</sup> *ibid.*, 181.

inefficiencies. The popularity of structural adjustment lasted through the 1980's and 90's.<sup>13</sup>

With the onset of the 1990's it became clear that development, as Hyden explains, was not about only projects, programs and policies, but also about politics.<sup>14</sup> For a long period of development research, politics and development were seen as separate areas of focus, but during the 1990's many began to agree that politics conditioned development. Thus demands for governance reform became a common theme. Calls for the introduction of multiparty politics, respect for humans rights, accountability and transparency in government actions followed as did the hope that these measures would prompt quicker development.<sup>15</sup>

### **Good Governance**

In the discussion on good governance, first governance itself must be defined.

Goran Hyden has defined governance as follows:

“...it refers to that aspect of politics that aims to formulate and manage the rules of the political arena in which state and civil society actors operate and interact to make authoritative decisions. In more operational terms, governance refers to those measures that involve setting the rules for the exercise of power and settling conflicts over such rules. Such rules translate into constitutions, laws, customs, administrative regulations, and international agreements, all of which in one way or the other provide the framework for the formulation and implementation of policy decisions.”<sup>16</sup>

With governance defined as the rules for the political arena, the definition of good governance can be explained. For this paper, the United Nations (UN) economic commission on Africa definition of good governance will be used. It states that:

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<sup>13</sup> *ibid.*, 181.

<sup>14</sup> *ibid.*, 181.

<sup>15</sup> *ibid.*, 182.

<sup>16</sup> *ibid.*, 186.

“...a condition whereby a responsibility [is] acquired through election; appointment or delegation is discharged in an effective, transparent and accountable manner while bad governance is associated with maladministration in the discharge of responsibility. Good governance entails the existence of efficient and accountable institutions – executive, judicial, administrative, economic, corporate – and entrenched rules that promote development, protects human rights, respects the rule of law, and ensures that people are free to participate in, and be heard on, decisions that effect their lives.”<sup>17</sup>

Good governance combines a number of aspects which, when fostered and developed, often produces economic stability, peace and security which help improve standards of living. Good governance is built upon themes such as accountability, responsibility, and transparency. This thesis will delve into those aspects to develop a framework for assessment which will be used to assess Thabo Mbeki’s rule and South Africa’s commitment to good governance.

One of the preminent indicators of governance comes from the World Bank Institute. The World Bank began compiling governance data in 1996, around the time structural adjustment policies began to lose support within development circles. Amongst organizations which collect information on governance, the World Bank Institute is one of the more prominent sources due to their formula derived from six aspects of governance.<sup>18</sup> For this thesis, the World Bank’s six aspects of governance will be used as a framework of assessment in understanding Thabo Mbeki commitment to a good governance regime in South Africa. Here are the six aggregate indicators of quality of governance from the World Bank Institute:

- “Voice and Accountability: the extent to which a country’s citizens are able to participate in selecting their government, as well as freedom of expression, freedom of association, and free media.

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<sup>17</sup> United Nations, “United Nations Economic Commission for Africa,” United Nations Economic Commission for Africa, <http://www.uneca.org/search.html>. (accessed August 14, 2007).

<sup>18</sup> Arndt and Oman, *Uses and Abuses of Governance Indicators*, 28.



- Political Stability and absence of violence: perceptions of the likelihood that the government will be destabilized or overthrown by unconstitutional or violent means, including domestic violence and terrorism.
- Government Effectiveness: the quality of the public services, the quality of the civil services, and the degree of its independence from political pressures, the quality of policy formulation and implementation, and the credibility of the government commitment to such policies.
- Regulatory Quality: the ability of the government to formulate and implement sound policies and regulations that permit and promote private sector development.
- Rule of Law: the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, the police, and the courts, as well as the likelihood of crime and violence.
- Control of Corruption: the extent to which public power is exercised for private gain, including both petty and grand forms of corruption, as well as “capture” of the state by elites and private interests.”<sup>19</sup>

These six indicators will be used as a base for an evaluation of Thabo Mbeki and the ANC’s performance in Chapters three and four.

Good governance is based on the best practices of Western nations as it relates to modernization and development. Good governance theory implies therefore that Western development and modernization is the preeminent model for development economically and politically which, if replicated, can produce similar economic success witnessed in developed nations. This is vitally important to applying governance models to Africa because there is perpetual bewilderment on the part of western nations regarding Africa’s failure to embrace good governance and consequent failures in development. It is often the case then that the West advocates that if only good governance were embraced, development problems would be solved.

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<sup>19</sup> World Bank, “A Decade of Measuring the Quality of Governance. Governance Matters 2006: Worldwide Governance Indicators, 1996-2006. Annual Indicators and Underlying Data.” (Washington, D.C: World Bank, 2006). 2-3.

## Neopatrimonialism

In discussing the benefits of governance and understanding its Western origins, it is also important to understand leadership in the African context. In this thesis two interrelated theories will be discussed pertaining to leadership and development in Africa. The first, described by Bratton and van de Walle, is based upon neopatrimonialism. Neopatrimonialism is founded upon Max Weber's explanation of patrimonial authority. Patrimonial political systems are built around a singular person who often rules based on personal stature and prestige.<sup>20</sup> Members of a strongman's group are connected solely on their affiliation to the big man. The ruler governs on a personalistic basis instead of relying on codified laws. In offering security and stability through favours and benefits to those loyal to him, members of the group become clients to the big man.<sup>21</sup>

The patrimonial system can be expanded to the African state with only subtle modifications to the theory. Neopatrimonialism, as it is called, is rule embodied in one person. Even if a constitution is in place the president or big man still dominates the entire state structure, making him above the law. Most important to the system is the loyal and dependent relationships that permeate the entire system. The big man in association with his inner circle (cabinet ministers, etc.) use these particularistic and personalized relationships, that undermine effective state administration, to access state resources for patronage and clientalistic practices which provide support and order.<sup>22</sup> The public sector becomes controlled by private interests as bureaucrats and politicians do not hold their jobs for public service so much as use their positions to attain wealth and

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<sup>20</sup> Michael Bratton and van de Walle, Nicolas., *Democratic Experiments in Africa: Regime Transitions in Comparative Perspective* (Cambridge, U.K.: Cambridge University Press, 1997.), 62.

<sup>21</sup> *ibid.*, 61.

<sup>22</sup> *ibid.*, 62.

status. Bratton and van de Walle acknowledge that neopatrimonialism can be found in all systems but in Africa it is the core feature of politics. Personal relationships are obviously present in all bureaucratic systems but for Africa they are the “...foundation and superstructure of political institutions in Africa.”<sup>23</sup>

Within neo-patrimonial systems Bratton and van de Walle identify three institutions which provide “...operating codes for politics that are valued, recurring, and reproduced over time.”<sup>24</sup> These three institutions are presidentialism, clientelism and state resources. Presidentialism refers to the concentration of power in the hands of one leader. This often leads to power being curbed in other political institutions. With power being personalized, the interaction of the big man, his inner circle, and their clientalistic networks constitute the central features of political life in Africa. Often times the big man promotes a cult of personality and an image as the paternal figure of the nation.<sup>25</sup>

The results of presidentialism often are decidedly non-bureaucratic regimes, (but with a large bureaucratic structure) as decision and policy-making rest solely in the hands of the president with little input or influence emanating from the bureaucracy. Power is absolute in Africa and in neo-patrimonial regimes rulers rarely feel restrained by the law or other accountability structures. Despite the excessive power big men wield, Bratton and van de Walle argue that this “...does not mean that these rulers were omnipotent; typically the weak and ineffectual state apparatus responded to their orders fitfully, and the rulers were often constrained by the need to maintain balance across complex ethnic or clan divisions. Yet it does mean that rulers and their closest cronies were not bound by the dictates of the law and often tried to emasculate or eliminated formal institutional

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<sup>23</sup> *ibid.*, 62.

<sup>24</sup> *ibid.*, 63.

<sup>25</sup> *ibid.*, 64.

checks on the executive.”<sup>26</sup> Legislatures and the judiciary were limited in their roles as checks on executive power.

The second institution Bratton and van de Walle identify in a neo-patrimonial system is clientelism. Big men rely extensively on dispensing political favours such as public sector jobs, government contracts, and projects which are used to maintain power. In return recipients (clients) provide political support for the big man (patron). By giving prebendal control over their public offices to clients, who then create their own support networks, political support can be provided to the big man during an election.<sup>27</sup> As a result, big men often have incentive to intervene in their country’s economy as political power is wielded through the distribution of state resources to political cronies. Public monies become privatized and economic policy is taken over by the presidency because of the economic rents it can provide the political elite.<sup>28</sup>

Finally, the last institution of neo-patrimonial regimes is state resources. Due to the fact that state resources are used to retain power and maintain clientelist networks, neo-patrimonial regimes often struggle to develop. Without political legitimacy they rely on clientelism and force to maintain power. But as the state apparatus grows to include various patronage positions it becomes less responsive and more costly. Public money becomes tied to paying a bloated civil service instead of for development. Public infrastructure suffers, basic services can barely operate, and the state struggles to police its territory and borders.<sup>29</sup> The redistribution of state resources creates an endemic fiscal crisis in the state as it consistently outspends resources. Economic activity slows as taxes

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<sup>26</sup> *ibid.*, 65.

<sup>27</sup> *ibid.*, 65.

<sup>28</sup> *ibid.*, 66.

<sup>29</sup> *ibid.*, 67.

are increased while simultaneously scaring investors away. Foreign aid eventually becomes the one constant income source for neo-patrimonial regimes.<sup>30</sup>

From this point Bratton and van de Walle identify five modal regimes in which African states can roughly be identified according to their level of political competition and participation. In the interests of this study the two regimes that are pertinent to South Africa include settler oligarchy and the multiparty system.<sup>31</sup> The settler oligarchy refers to those regimes which are not neo-patrimonial in their features and resembles more European bureaucratic-authoritarian regimes. Often a dominant settler racial group, using exclusive democracy and the law to deny rights to a majority racial group, control the state.<sup>32</sup> South Africa under apartheid fell within this category.

Bratton and Van de Walle argue, justifiably, that transitions from settler oligarchies follow a much different transition path to democracy than other regime modals. In settler oligarchies pacted transitions towards democracy between elites occur due to protracted stalemates which neither side can win.<sup>33</sup> Bratton and Van de Walle conclude that because of the institutional legacy left by settler oligarchies, a possible connection between a pacted transition and multi-party democracy is probable. Furthermore with the institutionalization of political competition Bratton and Van de Walle propose that the prospects for open democracy are improved when transitioning from a settler oligarchy.<sup>34</sup>

Multiparty systems enjoy healthy participation and competition. Though not concentrated on in Bratton and Van de Walle's analysis, the authors comment on the

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<sup>30</sup> *ibid.*, 68.

<sup>31</sup> The other three modal regimes include the plebiscitary one-party system, the military oligarchy, and the competitive one-party system. *ibid.*, 81.

<sup>32</sup> *ibid.*, 81.

<sup>33</sup> *ibid.*, 178.

<sup>34</sup> *ibid.*, 179.

prospects for democracy in multiparty systems. They note the democratic gains which saw a number of nations move towards multiparty systems seem to be slipping with the re-emergence of neopatrimonialism or hybrid 'big man democracy.'<sup>35</sup> Bratton and Van de Walle analyze the possibilities of reversal, survival, and consolidation. They concede that states which have transitioned from authoritarianism to democracy are backsliding but argue that a long-term view must be used when judging transitions from neopatrimonialism towards democracy and good governance. Drawing a distinction between short term survival and long term consolidation they admit the transition from authoritarianism is quick but liable to unchecked executive power which could overturn gains made. But for Bratton and van de Walle the longer a democracy survives the greater its chance for consolidation.<sup>36</sup>

Bratton and van de Walle's model focuses upon the transition from authoritarianism towards democracy. Indeed their prediction about settler oligarchy transitions proved accurate in South Africa's case. Yet, their model may come up short for identifying what may happen in the years after authoritarianism. The idea of a transitional period itself may be problematic as Carothers argues that the transition paradigm may not be valid in today's Africa.<sup>37</sup> Bratton and van de Walle argue that a regime is progressing (moving away from neo-patrimonial rule) or retreating (embracing neo-patrimonial features). Bratton and van de Walle therefore, like Carothers argues, may not fully appreciate or properly assess what is happening in Africa.

The second theory, which can shed light on the possible shortcomings with Bratton and van de Walle's theory, is Chabal and Daloz's political instrumentalization of

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<sup>35</sup> *ibid.*, 233.

<sup>36</sup> *ibid.*, 236.

<sup>37</sup> Thomas Carothers, "The End of the Transition Paradigm," *Journal of Democracy* 13, no. 1 (2002), 20.

disorder. Chabal and Daloz also base their theory upon Weberian ideas of patrimonial power. To understand this concept the structure of the African state must be understood, especially how political representation is practiced. In a modern, developed state a process takes place in which political institutions eventually become independent and free from societal influence and political pressure.<sup>38</sup> Most important to this is the eventual creation of an independent bureaucracy. The creation or evolution of a modern state is the end of patrimonialism with public and private sectors becoming operationally distinct.<sup>39</sup> Patrimonialism would recede because the lack of access to state resources would mean little funding for clientelistic networks. Chabal and Daloz point out that there are few African states that possess an independent bureaucracy, providing evidence that Africa is not institutionalized. Both theories are similar in this regard.

Where Chabal and Daloz differ is that they argue that the neo-patrimonial model gives too much emphasis on the impact of colonialism, explaining that colonialism actually failed to implement a modern (emancipated) bureaucratic rule. Thus, prebendal norms continued after the end of colonialism and still exist today. Chabal and Daloz explain that weak institutionalization has little to do with the failure of the state to modernize (emancipate) but rather failure itself is a desired position for African leaders because the state's "...usefulness is greatest when it is least institutionalized."<sup>40</sup> They argue that a loosely institutionalized state is best suited for patrimonial power. In turn there is little desire to implement good governance principles because "...the instrumentation of the prevailing political (dis)order is thus a disincentive to the

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<sup>38</sup> Patrick Chabal and Jean-Pascal Daloz, *Africa Works: Disorder as Political Instrument* (London: International African Institute in association with James Currey Oxford, 1999), 5.

<sup>39</sup> *ibid.*, 5.

<sup>40</sup> Bratton and van de Walle, Nicolas., *Democratic Experiments in Africa: Regime Transitions in Comparative Perspective*, 14.

establishment of a more properly institutionalized state on the Weberian model. Why should African political elites dismantle a political system which serves them so well?”<sup>41</sup>

Considering good governance and development is ideologically based on Western nations’ best practices, Chabal and Daloz consider it illogical to assume that African development would occur similar to the western experience when patrimonial rule is most logical for political elites and African citizens. Chabal and Daloz explain:

“Hence, the notion that politicians, bureaucrats or military chiefs should be the servants of the state simply does not make sense. Their political obligations are, first and foremost, to their kith and kin, their clients, their communities, their regions, or even to their religion. All such patrons seek ideally to constitute themselves as “big men’, controlling as many networks as they can, But to succeed as a “Big Man’ demands resources; and the more extensive the network, the greater the need for the means of distribution. The legitimacy of the African political elites, such as it is, derives from their ability to nourish the clientele on which their power rests. It is therefore imperative for them to exploit governmental resources for patrimonial purposes.”<sup>42</sup>

Essentially Chabal and Daloz argue that without the full implementation of the bureaucratic state African nations never shed prebendal partrimonialism and this logic continues today. In the West, most hold that all states develop along a similar path but these notions, according to Chabal and Daloz, are false. African political elites act in a very logical way to satisfy their citizen base but defy western conceptions of development and democracy. Chabal and Daloz outline the use of corruption, reliance on foreign aid and the recycling of leaders to give evidence that Africa is not simply failing to transition and develop but rather it is following traditional norms within the logic of a modern state.

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<sup>41</sup> Chabal and Daloz, *Africa Works: Disorder as Political Instrument*, 14.

<sup>42</sup> *ibid.*, 14.



Neopatrimonialism offers a competing conception of leadership that differs significantly from that of good governance. That difference is based on the concept of political accountability. In Africa, political accountability is "...collective and extra-institutional..."<sup>43</sup> because it is based on particularistic links between big men (patrons) and their citizens (clients). The main feature that characterizes neopatrimonialism is the inclusion of patrimonial logic into bureaucratic institutions.<sup>44</sup>

### **The African Renaissance**

When analyzing Mbeki's commitment to good governance one can look no further than the New Partnership for Africa's Development (NEPAD). But NEPAD does not represent the genesis of Mbeki's desire to 'rescue' the continent of Africa. Rather NEPAD is the culmination of an idea Mbeki first presented while Deputy President to Nelson Mandela. During this time Mbeki became involved in foreign policy which led to his interest in continental renewal.<sup>45</sup> The African Renaissance, as it was termed, was first discussed publicly by Mbeki in 1997 to an American audience at Chantilly, Virginia.<sup>46</sup> In the address Mbeki first explained his vision for Africa, the problems, hopes, desires, and solutions to the major problems which have plagued the continent.<sup>47</sup> The renaissance consisted of five areas of engagement with the African continent: cultural exchange, emancipation of women from patriarchy, mobilization of youth, and the broadening of democracy and sustainable economic development.<sup>48</sup> In a later address Mbeki expanded

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<sup>43</sup> *ibid.*, 37.

<sup>44</sup> Bratton and van de Walle, Nicolas., *Democratic Experiments in Africa: Regime Transitions in Comparative Perspective*, 62.

<sup>45</sup> Ian Taylor, *NEPAD: Towards Africa's Development Or another False Start?* (Boulder, Colo.: Lynne Rienner Publishers, 2005.), 33.

<sup>46</sup> Elias K. Bongmba, "Reflections on Thabo Mbeki's African Renaissance," *Journal of Southern African Studies* 30, no. 2 (2004), 292.

<sup>47</sup> *ibid.*, 292.

<sup>48</sup> Taylor, *NEPAD: Towards Africa's Development Or another False Start?*, 33.

this vision to include establishing and maintaining systems of good governance; introducing economic policies that would attract investment, reduce the intrusiveness of the state in the economy, establish regional economic pacts, and improve education, healthcare, decent housing, clean water, and modern sanitation.<sup>49</sup>

This idea of renaissance eventually developed into something more substantive. As World Trade Organization (WTO) negotiations broke down in Seattle in 1999 and later in 2003 in Cancun, western leaders understood the need to, at the very least, consult developing nations in greater depth. Mbeki's renaissance fit this requisite nicely. With an African leader promoting a plan that included strong market friendly solutions coupled with the need for investment from wealthy nations, the West was eager to approve and encourage such a plan. In the West, it was seen as more prudent to negotiate with moderates (such as Mbeki) then fear a total disruption of world trade due to highly unfair trade terms for developing economies.<sup>50</sup> A renaissance based upon liberalization of markets, free trade, and liberal democratic institutions was exactly what the post-Cold War environment of market hegemony was ready to embrace. Mbeki's renaissance fell into line with market orthodoxy pushed by organizations such as the World Bank, who themselves had wanted South Africa to emerge as the continental leader for economic liberalization.<sup>51</sup>

The renaissance concept promoted African-led solutions to the lack of development on the continent. The renaissance dovetailed nicely with the South Africa's experience in emerging from apartheid to form a stable democracy in a relatively bloodless fashion. It also fit well with Mbeki's own domestic program he was implementing in South Africa at

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<sup>49</sup> *ibid.*, 33.

<sup>50</sup> *ibid.*, 35.

<sup>51</sup> *ibid.*, 34.

the time.<sup>52</sup> As Ian Taylor explains: “Mbeki sought to place South Africa at the forefront of solving Africa’s problems through his advocacy of the renaissance concept and active diplomacy. This culminated in the birth of NEPAD.”<sup>53</sup>

The NEPAD program, which became the core feature of the African Renaissance, is an amalgamation of two proposals; the Millennium Partnership for Africa Recovery Program, which Mbeki, Bouteflika (Algeria), and Obasanjo (Nigeria) backed and the Omega Plan for Africa touted by President Wade of Senegal.<sup>54</sup> Taking a page from both plans in concert with Mbeki’s renaissance vision for an African solution to development, the New Partnership for Africa’s Development was born. Under the tenuous guise of the African Union,<sup>55</sup> NEPAD latched onto the ideals of the renaissance. Based upon the best practices in donor countries, such as Britain and Canada, it focused on good governance solutions and a ‘partnership’ with the developed world.<sup>56</sup> Thus the creation of NEPAD can be seen as an endorsement by African leaders of the Washington consensus: open markets, partnership with the West, democracy and good governance; all as vehicles to development and growth. By analyzing, briefly the substance of NEPAD, with knowledge of Mbeki’s involvement in its genesis, it is clear that Mbeki endorsed good governance as a model of development.

NEPAD, according to its own website, is a “vision and strategic framework for Africa’s renewal.”<sup>57</sup> It arose from a mandate given to the five initiating heads of state

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<sup>52</sup> *ibid.*, 34.

<sup>53</sup> *ibid.*, 33.

<sup>54</sup> Ronald Kempe Hope Sr. "From Crisis to Renewal: Towards a Successful Implementation of the New Partnership for Africa's Development," *African Affairs*, no. 101 (2002), 388.

<sup>55</sup> AD Waal, "What's New in the 'New Partnership for Africa's Development'?" *International Affairs* 78, no. 3 (2002)

<sup>56</sup> *ibid.*

<sup>57</sup> NEPAD, "NEPAD in brief," The New Partnership for Africa’s Renewal, <http://www.nepad.org/2005/files/inbrief.php>. (accessed January 11, 2008).

(Algeria, Egypt, Nigeria, Senegal and South Africa) by the Organization of African Unity to create a development plan for African in July 2001. NEPAD was needed to address the challenges on the African continent which vary from poverty to underdevelopment.<sup>58</sup>

NEPAD's stated objectives, principles, priorities and desired outcomes explain that good governance is the basic requirement for peace, security and sustainable development. It points out that democracy and good political, economic, and corporate governance must be enabled in order to achieve success in its priorities. As well, in analyzing the desired outcomes of NEPAD, the issue of governance is basic to success in these outcomes. The second outcome specifically points out that Africa must adopt and implement the principles of democracy, good governance, and human rights. Good governance is one of the most critical concepts in the NEPAD document. To a certain extent it is the most crucial aspect of the partnership because it is the principle on which NEPAD is based.<sup>59</sup>

### **Conclusion**

NEPAD demonstrates Mbeki's initial backing of good governance as a solution to South Africa and Africa's development problems. NEPAD developed out of the Mbeki renaissance which he first outlined in the late 1990s. Once becoming president, Mbeki became one of the chief designers of the NEPAD project as South Africa was one of the founding nations tasked to create NEPAD. In each step of NEPAD's development, Mbeki has been a strong supporter and the driving force of its inception.

Until recently Mbeki had been considered a positive force for change on the African continent. As an apartheid state, South Africa had been a pariah in the international community. But it was the near bloodless transition to democratic rule that, along with a

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<sup>58</sup> *ibid.*

<sup>59</sup> *ibid.*

highly respected Nelson Mandela, bestowed upon South Africa instant moral credibility. This credibility was inherited by Mbeki once he secured office. Clearly, Mbeki embraced South Africa's credibility and sought to expand this ideal throughout the continent. His renaissance was to capture South Africa's wave of optimism and spread it throughout Africa.

By the end of Mbeki's term in office in 2008, questions had begun to surface over a number of issues. Internationally Mbeki endlessly pushed the African Renaissance, both in Africa and further abroad. His foreign policy was filled with visits to drum up support for NEPAD. Yet, at home in South Africa a different picture began to emerge about governance issues which did not necessarily mesh with the good governance model Mbeki touted in his foreign policy. In the next chapter issues surrounding the ANC and Mbeki will be explored to help understand whether Mbeki has followed through on his claims that good governance is the only path to development in Africa or whether he and South Africa are following more traditional African leadership.

## CHAPTER THREE: CASE STUDY

### **Introduction**

Thabo Mbeki was the head of the ANC from 1997 to 2007 and president of South Africa from 1999 to 2008. In that time he made an indelible mark upon South Africa through his leadership and direction. The ANC dominated elections during his time in power and there is no reason to believe that this dominance will fade any time soon. Thus the future of South Africa, for the time being, rests within the ANC.

As discussed in Chapter two, Mbeki was a strong believer in good governance and promoted it as the best way to effect positive change and help bring development and growth to South Africa and the rest of the continent. This chapter will analyze Mbeki and the ANC on three relevant topics: internal democracy and centralization, corruption, and the 2007 leadership succession. An important test case will be developed to understand whether Mbeki followed a good governance model or not. Within the context of these three cases the neopatrimonial model is particularly salient.<sup>60</sup>

### **Centralization of the ANC**

The inner workings of the ANC are of greatest importance for the vitality of South Africa's democracy. The ANC's electoral success is mostly due to its historical significance as a resistance movement against the previous apartheid regime. For the majority of citizens in the country it is simply the only viable option come election time. It is interesting therefore when one of the most famous, venerable, and important South Africans speaks out against a "sycophantic, obsequious conformity..." that developed under President Thabo Mbeki and the ANC.<sup>61</sup> Those were the words of Archbishop

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<sup>60</sup> This theory is not totally applicable to all cases.

<sup>61</sup> *The Economist*, "Special Report: A Man of Two Faces - Thabo Mbeki," January 22, 2005, 26.

Desmond Tutu, an apartheid resistance hero and former head of the Truth and Reconciliation Commission. Tutu warned the ANC that "...unthinking, uncritical, kow-towing party line toeing...is fatal to democracy..."<sup>62</sup> Indeed, due to its electoral dominance the level of democratic, open discussion within the ANC reflects the level of openness in South Africa as a whole.

When Thabo Mbeki took power in 1999 his desire was to make his mark on the ANC and ensure its electoral dominance for the future. He strove to modernize the party along the lines of the Third Way, a movement made popular by Britain's Labour Party under Tony Blair.<sup>63</sup> The Third Way is a political philosophy which embraces both the market and the role of the state in governance and the economy. This philosophical shift would expand the ANC's appeal to a more business friendly audience. Mbeki realized that globalization was transforming the world economy and the option for the ANC to stick with its Marxist-based philosophy would be difficult to maintain.<sup>64</sup> The consequent shift from Marxist-liberation movement to pro-market democratic party sent shockwaves throughout the ANC. The two other members of the tripartite alliance, the South African Communist Party (SACP) and the Congress of South African Trade Unions (COSATU), had been the stronghold for left-leaning ideology within the ANC. To undertake such a seismic shift in philosophy meant Mbeki had to establish control over the eclectic political mix of the ANC. The market friendly policy ushered in by this paradigm shift created difficulty for SACP and COSATU. In order to maintain the votes SACP and

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<sup>62</sup> *ibid.*, 26.

<sup>63</sup> William Mervin Gumede, *Thabo Mbeki and the Battle for the Soul of the ANC* (Cape Town: Zebra Press, 2005), 124.

<sup>64</sup> *The Economist*, "Keep Chasing," April 8, 2006, 12.

COSATU brought to the ANC and still shift ideologies, Mbeki increasingly had to concentrate power and decision making in his office.

The centralization of the ANC by all accounts increased notably under the leadership of Thabo Mbeki, although, top-down control of the organization is not foreign to the movement. During the apartheid era the ANC had an authoritarian leadership structure in order to keep its members and the party actions covert to avoid the Afrikaner regime. Mbeki seized upon this structure to strengthen his control over the direction of the party. Apartheid era strategies and rules, at one time used to keep the ANC safe, were used by Mbeki to control the direction of the ANC in the post-apartheid era. This meant loyalty trumped competence in many cases. Debate existed within the party, but rarely once the party line was established on an issue.<sup>65</sup>

Policy decisions are a prime example of how the party heavyweights, almost all loyal to Mbeki, imposed their will from the center. Policy making has often caused the ANC to revert to a closed process reminiscent of its time underground when top-down decision making was essential for survival.<sup>66</sup> Mbeki worked extremely hard to gain control of ANC policy-making by installing loyalists in key positions who adhered to his centrist agenda. Understanding the strong leftist influence within the alliance, policy decisions were removed from the general membership and given to hand-picked party insiders.<sup>67</sup> Those loyal to Mbeki were placed not only in senior positions of the ANC, but also in government positions and parastatal organizations. Those who resisted Mbeki's

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<sup>65</sup> *The Economist*, "From Revolution to Evolution," April 8, 2006, 5.

<sup>66</sup> Jeffrey Herbst, "Mbeki's South Africa," *Foreign Affairs* 84, no. 6 (Nov/Dec, 2005).

<sup>67</sup> Gumede, *Thabo Mbeki and the Battle for the Soul of the ANC*, 128.



policy direction were sidelined, making many top jobs inaccessible to those who did not see eye to eye ideologically with Mbeki.<sup>68</sup>

The ANC is structured along the governmental structure of South Africa. A National Conference elects the National Executive Committee (NEC), the Provincial Conference elects the Provincial Executive Committee, the Regional Conference elects the Regional Executive Committee, and the Branch Bi-annual General Meeting elects the Branch Executive Committee.<sup>69</sup> The National Conference is the absolute ruling and controlling institution of the ANC. The NEC, which is elected at the ANC National Conference, is the highest governing body within the ANC. It is charged with leading the party between National Conferences. Its role is to supervise and direct the ANC and its entities, including national, provincial, and local government caucuses. The president, deputy president, national chairperson, secretary-general, deputy secretary general and treasurer general all sit on the NEC. Additionally members from the Youth, Women's, and Veteran's Leagues are appointed to the NEC. The chairperson and secretary of each elected ANC Provincial executive and eighty additional members round out the NEC.

The National Working Committee (NWC) is elected by the NEC soon after a National Conference. The NWC also includes the president, deputy president, national chairperson, secretary general, deputy secretary general and treasury general. The Youth League, Women's League, and Veteran's League all appoint one member. Additional members are elected from the NEC. The NWC conduct work for the NEC and ensure

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<sup>68</sup> *ibid.*, 141.

<sup>69</sup> ANC, "African National Conference Constitution," African National Congress, <http://www.anc.org.za/show.php?doc=/ancdocs/history/const/const2007.html>. (accessed January 15, 2009).

provinces, regions, branches and other organs carry out the decisions of the ANC.<sup>70</sup> The NEC also appoints the electoral commission and the National Financial Committee.

The way in which the ANC has evolved since the inception of democracy in the mid-1990's has meant membership in the NEC is voted most often based on loyalty to a particular presidential candidate. This has been most recently seen in the 2007 Policy Conference which pitted Jacob Zuma versus Thabo Mbeki. NEC candidates were voted for the most part based upon which leadership candidate they supported. This has meant the diminishing influence of Party conferences. Other than choosing a leader every ten years, the conferences do not allow its membership to affect real policy change. As William Gumede points out regarding party conferences: "...draft policies are prepared beforehand, candidates for office are presented to delegates by the leadership, and all that remains is for decisions to be rubberstamped."<sup>71</sup>

Officially within the ANC, between Party Conferences, policy is developed through party structures such as local branches or the NEC. From there, policy is transformed into legislation by parliament and implemented by the government.<sup>72</sup> In reality, policy development is considerably more top down, involving the president and cabinet exclusively with the presidency holding a veto on all matters.<sup>73</sup> Alliance partners in the ANC were often marginalized and Mbeki was dismissive of ideas emanating from outside the ANC's own bureaucracy.<sup>74</sup> As well, with the NEC made up of Mbeki loyalists, rarely did it act independently when forming policy.

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<sup>70</sup> *ibid.*

<sup>71</sup> *ibid.*, 132.

<sup>72</sup> Gumede, *Thabo Mbeki and the Battle for the Soul of the ANC*, 128.

<sup>73</sup> *ibid.*, 129.

<sup>74</sup> *The Economist*, "From Revolution to Evolution," 5.

The centralization and control of the ANC's internal democracy also extended to its control of the lower ranks in the party. With its inflexibility on issues of politics and power the national party extended its control to its provincial and local counterparts.<sup>75</sup> This was most evident when party candidates for provincial premierships and local mayoralities were nominated by the central committee rather than by provincial and local branches.<sup>76</sup> In fact, a number of provincial party structures have been dissolved and reformed by the national party due to disunity or discipline related issues, though others have suggested this was to eliminate grassroots movements critical of the president.<sup>77</sup> The national party has, in some situations, dismissed provincial premiers (regardless of popularity) when they were perceived to be challengers to party leadership.<sup>78</sup>

One particular example of the national party machinery sidelining potential leadership challengers was when 'the plot' was revealed. In 2001 Mbeki told police to investigate Cyril Ramaphosa, Tokyo Sexwale, and Matthews Phosa because Mbeki suspected they were plotting to overthrow him. The accusations were completely unfounded but the incident did push the three out of politics at the time.<sup>79</sup> All three were considered possible leadership candidates in the future, with Ramaphosa, in fact, regarded as Nelson Mandela's first choice to succeed him before being pushed aside by Mbeki.

Other party structures also have come under the control of the presidency. Party positions such as chairmen of executive and local councils are now appointed by the

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<sup>75</sup> *The Economist*, "Keep Chasing," 12.

<sup>76</sup> *The Economist*, "From Revolution to Evolution," 5

<sup>77</sup> Robert Mattes, "South Africa: Democracy without the People?" *Journal of Democracy* 13, no. 1 (January, 2002), 25.

<sup>78</sup> *ibid.*, 25.

<sup>79</sup> "Special Report: A Man of Two Faces - Thabo Mbeki," 26.

national leadership and, for a time, Mbeki extended his control to the ANC Women's and Youth leagues.<sup>80</sup> Mbeki also controlled chief posts in the civil service<sup>81</sup> and, to enforce and control his directives, employed his own spy network which was separate from the state intelligence network.<sup>82</sup>

These reforms weakened the ANC and strengthened Mbeki. Local branches and national policy conferences, which had controlled and influenced policy for much of the ANC's ninety-three years, lost considerable power to the center.<sup>83</sup> In fact, by December 2000 the number of party branches had fallen from 1500 to 365.<sup>84</sup> Local branches had been a significant part of the party core for most of its history.

Consultation with the lower ANC ranks became rare. Policy leaders rarely explained decisions, making ANC members important only during elections, when votes were needed.<sup>85</sup> One example of this was the way in which NEPAD was constructed. Although many endorsed the idea of a program such as NEPAD, it was never developed along normal policy-making channels. In fact, few in the ANC were aware of the plan and still fewer were let in on its development, possibly due to Mbeki's fear that it would be watered down.<sup>86</sup>

The ANC's centralization of power could also be witnessed in the control Mbeki and party leaders exerted over the party's parliamentary wing. Key to accountability in Westminster systems such as South Africa's is the role parliament plays in checking the executive. As Butler explains, in South Africa's case the Westminster system, which

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<sup>80</sup> Gumede, *Thabo Mbeki and the Battle for the Soul of the ANC*, 147.

<sup>81</sup> *The Economist*, "Special Report: A Man of Two Faces - Thabo Mbeki," 26.

<sup>82</sup> Mattes, *South Africa: Democracy without the People?*, 25.

<sup>83</sup> *ibid.*, 25.

<sup>84</sup> Gumede, *Thabo Mbeki and the Battle for the Soul of the ANC*, 126.

<sup>85</sup> *ibid.*, 136.

<sup>86</sup> *ibid.*, 134.

partially fuses the executive and legislature, does reduce conflict and encourages efficiency but in turn creates space for the executive to subordinate the legislature.<sup>87</sup> The only way to avoid this pitfall is when the ruling party readily endorses and supports the oversight role of parliament. Problematic in South Africa is that the ANC possesses such dominant electoral control that it does not fear losing office, providing little incentive to support accountability measures. In fact, the 1994 caucus code of conduct bars ANC Members of Parliament (MP) from using parliament as a tool to undermine party policy decisions; a policy reinforced at the 1997 party conference.<sup>88</sup> Despite this, ANC MPs were vocal in keeping the government in check early in the party's tenure but by the end of Mbeki's first term it was clear that he would not tolerate dissent.<sup>89</sup>

South Africa uses a proportional representation system in which political parties present MP lists. Depending on the percentage of votes each party gets, each receives the corresponding number of seats. This has provided another centralizing tool for Mbeki to gain control of ANC parliamentarians. If an MP questioned the party they were easily struck from the party list, negating their chances to take office.<sup>90</sup> Party discipline became so paramount in the ANC under Mbeki that he, or his followers, often sat in on caucus meetings to control debate, imposed parliamentary officers and committee chairs, and forced revised legislation through parliament without analysis.<sup>91</sup>

Due to the control exerted by the presidency over parliamentarians, MPs rarely challenged the executive and parliamentary committees and withheld criticism for fear of

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<sup>87</sup> Anthony Butler, "How Democratic is the African National Congress?" *Journal of Southern African Studies* 31, no. 4 (2005), 720-721.

<sup>88</sup> *ibid.*

<sup>89</sup> Gumede, *Thabo Mbeki and the Battle for the Soul of the ANC*, 136.

<sup>90</sup> Butler, *How Democratic is the African National Congress?*, 721.

<sup>91</sup> *ibid.*

losing patronage.<sup>92</sup> With no job security due to party lists, MPs fell short in their oversight roles. This gave Mbeki the ability to bypass parliament and make the ANC contingent in parliament look like they have “...reverted to the exile style of politics, based on secrecy and loyalty, instead of coming to grips with the new demands of transparency and public accountability, as required by the constitution.”<sup>93</sup>

### **Corruption in the ANC**

In addition to the centralizing nature of Mbeki’s leadership there was also a noticeable increase in corruption within the ANC. Andrew Feinstein lamented that the ANC by 2007 was “...an organization that has lost its moral compass.”<sup>94</sup> Feinstein, a former ANC MP who resigned over corruption within the ANC, explained that issues of corruption and centralization in the party lay at the feet of ANC leadership. A growing number of scandals plagued the ANC due to the loss of accountability structures outlined above. Evidence of corruption was revealed from all areas and levels of the party.

Cellgate, oilgate, and travelgate are a trio of corruption scandals that beset the ANC under Mbeki. The cellgate scandal involved the awarding of the country’s third cellular license to a Saudi consortium in which an ANC minister intervened on behalf of the Saudi bid instead of less costly bids. Rumours arose that contributions by the Saudi’s to the ANC insured there would be no investigation into the matter.<sup>95</sup> Oilgate involved questions around Imrune Management, which was alleged to have channeled R11 million of public money via the state oil company PetroSA to help the 2004 ANC election

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<sup>92</sup> Gumede, *Thabo Mbeki and the Battle for the Soul of the ANC*, 137.

<sup>93</sup> *ibid.*, 137.

<sup>94</sup> *ibid.*, 240.

<sup>95</sup> Andrew Feinstein, *After the Party: A Personal and Political Journey Inside the ANC* (Johannesburg: Jonathan Ball Publishers, PTY Ltd., 2007), 241.

campaign.<sup>96</sup> An investigation into the deal was silenced by the ANC and was revealed only through the efforts of the media.<sup>97</sup> Travelgate consisted of close to forty MPs from all parties misrepresenting travel expense accounts worth R17 million.<sup>98</sup> Most MPs found guilty in the scandal resigned their seats yet senior ANC officials implicated, including some cabinet ministers, simply repaid the money and kept their positions.<sup>99</sup>

The media has not escaped the growing climate of corruption fostered by the ANC. The media has often been praised for its strong oversight role in South Africa, but it has recently come under criticism due to a number of incidents. For example, South Africa's public broadcaster, the South African Broadcasting Corporation (SABC), was found to be blacklisting analysts and journalists critical on Mbeki and the ANC.<sup>100</sup> A commission investigating the broadcaster noted that Snuki Zikalala, SABC head of news, specifically enforced the blacklist.<sup>101</sup> Yet, instead of a strong response to Zikalala, the ANC gave what amounted to a "...slap on the wrist..."<sup>102</sup> which was widely condemned because it seemingly endorsed Zikalala's censorship of those critical of the ANC. This reinforced a growing sentiment that the ANC actively manipulated the national broadcaster for its own ends.

The independence of the private media also became the focus of scrutiny in South Africa. In November of 2007, Koni Media Holdings placed a bid for Johnnic Communications (Johncom), a leading media group in South Africa. Johncom owns

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<sup>96</sup> *ibid.*, 241.

<sup>97</sup> *ibid.*, 241.

<sup>98</sup> *The Economist*, "International: Parliamentary Padding; Corruption in South Africa," January 29, 2005, 56.

<sup>99</sup> Feinstein, *After the Party: A Personal and Political Journey Inside the ANC*, 242.

<sup>100</sup> *Mail and Guardian Online*, "'Lenient' SABC Action Against Zikalala Criticised," March 8, 2007, <http://www.mg.co.za/article/2007-03-08-lenient-sabc-action-against-zikalala-criticised> (accessed March 9, 2007).

<sup>101</sup> *Sowetan*, "Zikalala Warned," March 8, 2007.

<sup>102</sup> *Mail and Guardian Online*, "'Lenient' SABC Action Against Zikalala Criticised."

publications such as the *Sunday Times* and the *Sowetan*. The *Sunday Times* in recent years has become very critical of the ANC government so questions were raised about the bid when it was revealed Koni members happened to be close allies of then-President Thabo Mbeki.<sup>103</sup> The government denied this was the case yet the situation, at the very least, brought a number of conflicts of interest into the open. To compound these conflicts of interest was the news that Koni actively sought funding for the deal from the Public Investment Corporation, a government owned and operated institution which controls employee pensions.<sup>104</sup>

Corruption even became institutionalized through ANC policy initiatives under Thabo Mbeki. One initiative which highlighted this growing corruption was the ANC's affirmative action plan BEE (Black Economic Empowerment). One of the defining characteristics of the ANC platform in the apartheid era was its socialist ideology and desire to nationalize major sectors of the economy in order to quickly redress the economic inequality created by apartheid. Yet, as it is well known, after the end of apartheid the ANC abandoned its Marxist economic policy and fully embraced the market economy. In order to de-racialize the economy within a market-context and help to combat income inequality in South Africa, the ANC moved to create a black bourgeoisie which "...would become the vanguard of black integration into the economic mainstream."<sup>105</sup> The BEE program was created as an instrument for blacks to use to enter the economy through funding from government within the framework of market principles.

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<sup>103</sup> *The Economist*, "Guess Who's Buying the Press," November 10, 2007, 57.

<sup>104</sup> *ibid.*, 58.

<sup>105</sup> Okechukwu C. Iheduru, "Black Economic Power and Nation-Building in Post-Apartheid South Africa," *Journal of Modern African Studies*, 42, no. 1 (2004), 2.



BEE includes a number of strategies to develop a black entrepreneurial class: promotion of blacks to management positions, shifting equity ownership of South African companies from whites to blacks (enacted through government contracts which give distinct advantage to black owned companies), and government mandated industry-specific racial targets, often set at 25% black ownership, through the end of 2010.<sup>106</sup>

What is intriguing about BEE is its similarities to the methods undertaken by the apartheid National Party (NP) to improve the Afrikaner lot after the NP gained power in 1948.<sup>107</sup>

In Mbeki's 2003 state of the union address he explained his thoughts on BEE:

“As we approach the end of the first decade of our new democracy the need for an economic transformation that brings about effective and significant black economic empowerment becomes more pressing. We believe that it is in the interests of all citizens that we succeed in this endeavor. Through a far-sighted partnership between all sectors of our society we can ensure a stable and growing economy that erases the inequities of the past and draws us all-irrespective of our race, sex or creed – into a more prosperous and equitable future.”<sup>108</sup>

BEE was meant to develop a wealthy black class in the economic mainstream, engaging blacks in the greater South Africa economy as well as creating a trickle down effect that would de-racialize the country providing new work for blacks in the formerly white-dominated economy. Furthermore, by assuring the protection of private property and not frightening away white capital the ANC could address economic inequality of blacks while reconciling South Africa economically much like the dramatic shift to democracy reconciled the country politically. Mbeki was a strident supporter of BEE, as Mark

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<sup>106</sup> Herbst, *Mbeki's South Africa*.

<sup>107</sup> Iheduru, *Black Economic Power and Nation-Building in Post-Apartheid South Africa*, 4.

<sup>108</sup> Thabo Mbeki, "State of the Nation Address 2003," African National Congress, <http://www.anc.org.za/show.php?doc=ancdocs/history/mbeki/2003/tm0214.html> (accessed September 5, 2008).

Gevisser explains, understanding the importance of the black capitalist class as the forefront of democratic change. Mbeki felt it was important to nurture a black capitalist class and “...bring it into the ruling elite and to hold it there with a set of policies (BEE) and an ideological frame (Africanism) that resonated with its own aspirations.”<sup>109</sup>

The legacy of apartheid demanded that the ANC do something to provide the means for the majority of poverty-stricken blacks to become involved in the economy. Despite tight economic management making the country attractive to foreign capital economic, growth alone would not decrease poverty and this is where BEE was to come in.

Problematic for BEE’s stated goals was that there seems to be little evidence that it has worked to create a large black middle class and decrease poverty. A decade since democracy 10 percent of the population, mostly white, controlled 85 percent of the economy.<sup>110</sup> Instead, BEE created a very small super-rich class of blacks who continually got ‘empowered’ with lucrative economic deals by virtue of their connection to the ruling ANC elite. This created an environment extremely conducive to corruption.

In 2003 nearly sixty percent of BEE transactions that were negotiated and amounted to R23.3 billion, went to Tokyo Sexwale and Patrice Motsepe.<sup>111</sup> Sexwale, the former ANC premier of Gauteng province, was able to secure 10 percent of an empowerment deal for a bank while only one percent was made available to workers.<sup>112</sup> In another bank empowerment deal Cyril Ramaphosa and Saki Macozoma acquired nearly R1 billion (\$158.5 million) in equity from Standard Bank.<sup>113</sup> Both were considerably wealthy at the time of the deal and continued to acquire more with little or no investment from

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<sup>109</sup> Mark Gevisser, *Thabo Mbeki*, Jonathan Ball Publishers (PTY Ltd., 2007), 589.

<sup>110</sup> Iheduru, *Black Economic Power and Nation-Building in Post-Apartheid South Africa*, 21.

<sup>111</sup> Herbst, *Mbeki's South Africa*, 5.

<sup>112</sup> *ibid.*, 5.

<sup>113</sup> *ibid.*, 5.

themselves.<sup>114</sup> Ramaphosa and Macozoma, at the time of the deal, sat on the ANC's National Executive Council.<sup>115</sup>

Cyril Ramaphosa is often considered the poster child of BEE, and with good cause. He was the former Secretary-General for the National Union of Mine Workers and principal negotiator for the ANC in the transfer of power that ended apartheid. After leaving the ANC he became one of the richest men in South Africa.<sup>116</sup> Iheduru notes that organized labour has been one of the most unlikely sectors to join in this accumulation effort, which, Iheduru mentions, tempers its militancy so labour would not hurt the system which has provided enrichment and wealth.<sup>117</sup>

The steady parade of ANC politicians going into the corporate world has become alarming even to Mbeki, who championed BEE and certainly should have foreseen such consequences. ANC heavyweights such as Matthews Phosa (former ANC premier), Ramaphosa and Sexwale are some of the many who have taken advantage of empowerment. Questions surround the corruption that could take place because those empowered often contribute to the ANC. For example, Sexwale, in 2004, paid the entire salaries of the ANC head office staff, creating obvious conflicts of interest.<sup>118</sup> Finally, in many sectors where BEE deals have taken place most blacks lack the skills needed in executive and management positions, thus most BEE businesses are still dominated by whites with blacks simply fronting them.<sup>119</sup>

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<sup>114</sup> John Pilger, *Freedom Next Time: Resisting the Empire* (New York, NY: Nation Books, 2007), 206.

<sup>115</sup> Herbst, *Mbeki's South Africa*, 5.

<sup>116</sup> Pilger, *Freedom Next Time: Resisting the Empire*, 205.

<sup>117</sup> Iheduru, *Black Economic Power and Nation-Building in Post-Apartheid South Africa*, 19.

<sup>118</sup> Gumede, *Thabo Mbeki and the Battle for the Soul of the ANC*, 225.

<sup>119</sup> Iheduru, *Black Economic Power and Nation-Building in Post-Apartheid South Africa*, 20.

BEE, though founded upon principles that can be generally accepted, created a system in which the general goal of creating a black middle class has not been realized. In fact, BEE has created other problems which may prove disastrous for good governance. BEE does not reduce income inequality between races because the unhealthy connection between the black business elite and government has reduced accessibility to empowerment for wider population. Additionally BEE could "... [limit] the new class's independence from the ruling elites- an independence which, it is argued, is essential for consolidating democracy and bolstering a political opposition."<sup>120</sup>

One of the most interesting and controversial aspects of the BEE is the revelation of a network of companies named Chancellor House Group which was created to take advantage of black empowerment deals to fund the ANC. Although its existence has been denied by some in government<sup>121</sup> the *Mail and Guardian*, a South African weekly paper, revealed that Chancellor House was indeed a business front for the ANC<sup>122</sup> with several high ranking ANC officials having direct ties to the company.<sup>123</sup>

Chancellor House has a comprehensive portfolio that operates in minerals, energy, defence and the logistics sector that depend on state procurement or rights granted by the government. A number of deals have been revealed and offer a glimpse into a disconcerting relationship in which the ANC is both the regulator and beneficiary. A recent energy deal with Eskom (South Africa's power corporation) and Chancellor House brought attention to the questionable nature of the company. In November 2007 it was

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<sup>120</sup> *The Economist*, "The Rise of the Buppies," November 3, 2007, 56.

<sup>121</sup> *Mail and Guardian Online*, "Ngonyama: Russia Deal with 'ANC Arm' Above Board," March 20, 2007. <http://www.mg.co.za/> (accessed May 21, 2008).

<sup>122</sup> Stefaans Brummer and Sam Sole, "ANC's Power Grab," *Mail and Guardian Online*, January 31, 2008. <http://www.mg.co.za/article/2008-01-31-ancs-power-grab> (accessed February 12, 2008).

<sup>123</sup> *Mail and Guardian*, "Ngonyama: Russia Deal with 'ANC Arm' Above Board."

revealed that Hitachi Power Africa was awarded a R20 billion tender from Eskom to supply six steam generators for the Medupi coal station in Limpopo. Chancellor House has a 25% stake in Hitachi Power – or R3billion piece of the tender. In January 2008 the Hitachi group was awarded another contract, nicknamed Project Bravo, worth around R18.5 billion. The two contracts together put Chancellor House’s stake in Eskom’s expansion programme at R5.8 billion.<sup>124</sup>

Eskom’s contracts with Chancellor House occurred simultaneously to the near calamitous collapse of power capacity in South Africa which has led to blackouts and load shedding, damaging the health of the economy. The mismanagement of coal stockpiles due to pro-BEE policies favoured new suppliers and incentives to use a hierarchical system of procurement caused Eskom to burn more coal than it bought.<sup>125</sup> Chancellor House’s entrance into Eskom, highlighted BEE’s potential to create conflicts of interest. In addition both power deals were concluded without adhering to standard procurement rules.<sup>126</sup>

Another deal which was revealed in March 2007 was the development of a fertilizer plant in South Africa worth \$1.5 billion to \$2.5 billion (R11.1 – R18.5 billion). The deal involved Chancellor House and Standard Bank in South Africa and two entities from Russia – a state-run lender Venesheconombank and Azot Agrochemical Corporation.<sup>127</sup> Samantha Enslin of Business Report described the situation:

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<sup>124</sup> Brummer and Sole, “ANC's Power Grab.”

<sup>125</sup> The hierarchy of procurement is as follows: black, female-owned suppliers; then small black suppliers; then large black suppliers; then black-empowered suppliers; and finally all other South African suppliers. Jocelyn Newmarch, "Anatomy of a Catastrophe," *Mail and Guardian Online*, February 11, 2008. <http://www.mg.co.za/article/2008-02-11-anatomy-of-a-catastrophe> (accessed March 1, 2008).

<sup>126</sup> *ibid.*

<sup>127</sup> Quentin Wray, "Russian State Bank Signs a Deal with ANC Funder," *Business Report*, March 19, 2007.

“There is no doubt that the deal between Vnesheconombank, the state owned Russian bank, and Chancellor House, the company that has been linked to ANC funding scams, will raise more than a few eyebrows. This is not surprising, given that the relationship between government and business is already too close for comfort and the general perception that companies with strong links to the ruling party tend to get the first bit of any new business.”<sup>128</sup>

Corruption was also rampant at senior levels of the ANC under Mbeki. Jackie Selebi, the former head of police in South Africa and close confidant of Mbeki, was charged with corruption and defeating the ends of justice.<sup>129</sup> The charges against Selebi, who as police commissioner often downplayed South Africa’s devastating crime problem, also included fraud, money-laundering, and racketeering which stem mostly from his ties to Glenn Agliotti.

Agliotti, a convicted drug smuggler, was connected to the death of mining magnate Brett Kebble in 2005.<sup>130</sup> Kebble, who was previously alleged to have influenced a number of high-profile ANC members, had seen his mining empire begin to collapse when he was murdered. Agliotti was later charged with the murder of Kebble which was problematic for Selebi who admitted that he is a close friend of Agliotti’s.<sup>131</sup> The charges against Selebi revealed that he had a ‘generally corrupt’ relationship with Agliotti in which he accepted money from Agliotti amounting to R1.2 million between 2000-2005.<sup>132</sup>

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<sup>128</sup> Samantha Enslin, "Fertiliser Plant could Feed More than the Usual Chosen Few," *Business Report*, March 19, 2007.

<sup>129</sup> *The Economist*, "Let's all Arrest One Another," January 19, 2008, 49.

<sup>130</sup> *Mail and Guardian Online*, "Report: Mbeki was Told of Selebi Graft Probe," February 12, 2008. <http://www.mg.co.za/article/2008-02-12-report-mbeki-was-told-of-selebi-graft-probe> (accessed March 1, 2008).

<sup>131</sup> Feinstein, *After the Party: A Personal and Political Journey Inside the ANC*, 243.

<sup>132</sup> Sam Sole, Adriaan Basson and Stefaans Brummer, "How Kebble's Ghost Will Haunt Selebi," *Mail and Guardian Online*, February 1, 2008. <http://www.mg.co.za/article/2008-02-01-how-kebbles-ghost-will-haunt-selebi> (accessed March 2, 2008).

What is more peculiar and in fact more corrupt is the extent to which it seems Mbeki tried to protect Selebi. In September of 2007 two arrest warrants for Selebi were cancelled inexplicably and soon after Vusi Pikoli, the national prosecutor investigating Selebi, was suspended by Mbeki for an unexplained breakdown in Pikoli's relationship with the justice minister.<sup>133</sup> Gerrie Nel of the special investigations unit of the National Prosecuting Authority (NPA), also known as the Scorpions, had also been involved in the arrest warrants and continued to investigate Selebi after Pikoli was removed and was preparing to charge Selebi again.<sup>134</sup> In January 2008, just as Nel prepared to charge Selebi, he was arrested on charges of corruption by the South African Police Force. Nel's charges were quickly dropped raising further questions about why he was arrested. Selebi was later charged and Mbeki was forced to place him on leave. With evidence suggesting Mbeki knew of Selebi's charges and attempted to protect him there was a sense of corruption and conflict of interest surrounding Mbeki's actions in the matter.<sup>135</sup>

Questions surround the case because it highlighted a growing problem regarding South Africa's crime battle. The Scorpions have been successful in battling corruption, yet a turf war had developed between them and the South African Police Force (SAPS). With the arrest of Nel, it seemed Selebi's force was exerting revenge on the Scorpions. Calls for the Scorpions to be folded into the regular police force have been strong from inside the ANC.

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<sup>133</sup> *The Economist*, "Let's all Arrest One another." 49.

<sup>134</sup> The Scorpions were created by Mbeki to fight corruption and organized crime. They have been lauded for their success in one of the most crime-ridden countries in the world.

<sup>135</sup> Sam Sole, Stefaans Brummer and Adriaan Basson, "Mbeki's Mad Dash to Save Selebi," *Mail and Guardian Online*, January 18, 2008. <http://www.mg.co.za/article/2008-01-18-mbekis-mad-dash-to-save-selebi> (accessed March 2, 2008).

The call for the Scorpions to be folded into the regular police force came most fervently from the former deputy president Jacob Zuma and those loyal to him in the ANC. Zuma and his supporters claimed that the Scorpions and its superiors in the NPA were singling out Zuma on his own corruption charges. Some argued that the Scorpions unfairly targeted Zuma at the behest of Mbeki in order to gain the upper hand in the 2007 succession battle for the ANC. Corruption allegations against Zuma connect to the highest profile corruption scandal to hit South Africa since the end of apartheid, an arms deal involving a number of high-profile ANC members. The scandal is centered around an arms deal between South Africa and a number of European arms companies, including BAe Systems, totaling R50 billion.

The scandal was first revealed in a 1998 Auditor-General report which found numerous problems with its procurement process and noted numerous conflicts of interests amongst key decision makers in the deal, namely the Director of Procurement in the Defence Force, Chippy Shaik. Shaik was found to have favoured his brother Schabir in numerous deals. Former Defence Minister Joe Modise also possibly benefited financially from the deal.<sup>136</sup> The report outlined problems related to the contract awarded to BAe/SAAB for fighter and training jets, which was the most expensive contract awarded.<sup>137</sup> It was revealed that Aeromacchi, an Italian company, lost out to BAe/SAAB despite the fact its product was technically equal to Aeromacchi's and Aeromacchi's bid came to half the cost of BAe/SAAB.<sup>138</sup>

The report also questioned contracts given to a German Frigate Consortium and a sub-contract to a French company. In the latter case, there was a cheaper local tender who

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<sup>136</sup> Feinstein, *After the Party: A Personal and Political Journey Inside the ANC*, 158.

<sup>137</sup> *ibid.*, 158.

<sup>138</sup> *ibid.*, 158.



did not get the naval contract.<sup>139</sup> Issue was also taken with offset guarantees and disregard for staff requirements to operate the systems bought; and the final cost of the total deal may have been more than what was revealed by the government.<sup>140</sup>

When the Auditor-general's report was revealed, investigations into the deal were led by the Standing Committee on Public Accounts (Scopa). The ANC spokesman on Scopa, Andrew Feinstein, explained that initially the ANC leadership supported the investigation but this support quickly fell away. Feinstein explained that he was first pressured by then party whip Tony Yengeni to tone down the inquiry by not making it public.<sup>141</sup> Soon after, high ranking members of the ANC began discouraging Scopa from investigating the deal. Eventually Feinstein was replaced by the ANC as its ranking member on Scopa so as to end any investigation that would reflect poorly on the ANC. Feinstein later resigned his seat in parliament in protest of the ANC losing its moral authority. There is evidence of cover-up, intimidation, and corruption surrounding the ANC's handling of the arms deal and the subsequent inquiry by Scopa, whose final report stated that no irregularities were found in the deal. With Feinstein no longer a part of the investigation the new ANC contingent ensured the inquiry found no fault in the deal.

At the time of writing, numerous allegations have begun to surface anew over the extent of corruption associated with the arms deal including the involvement of ANC heavyweights in the deal. Joe Modise, defence minister and former head of Umkhonto we Sizwe (MK, the ANC armed wing), along with Mbeki took leadership in securing the R50 billion arms deal. It has been discovered that during the bidding BAe donated R5

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<sup>139</sup> *ibid.*, 158.

<sup>140</sup> *ibid.*, 158.

<sup>141</sup> *ibid.*, 161.

million to the MK Veteran Association, of which Modise was life president.<sup>142</sup> Another bidder who was successful bought Modise millions of shares in a defence company named Conlog, which stood to benefit from subcontracts through the winning bidder. Modise became Conlog's chair weeks after leaving office.<sup>143</sup> In total it is alleged that Modise received between R10-R35 million in cash bribes from various bidders.<sup>144</sup>

It was not only Modise who benefited financially in the arms deal. Other government and ANC officials have allegedly received millions in bribes. Tony Yengeni, the former Chief Whip in the ANC, was charged for accepting vehicles from arms bidders. As well there is speculation that the ANC itself received millions from bidders who won contracts and this money was probably used for the 1999 election campaign.<sup>145</sup>

Britain's Serious Fraud Office (SFO) has also revealed evidence of corruption in the BAe deal with South Africa. In January 2007, the SFO uncovered evidence that South African agents received nearly £70 million between 2000 and 2005 through Red Diamond, a front company used for commission transactions, and £10 million through HQ Marketing, a secretive unit within BAe.<sup>146</sup> One of the companies that received these payments was Hlongwane Consulting, which was started in 1999 by Fana Hlongwane, a close advisor to Modise at the time.<sup>147</sup>

By the end of 2007, German prosecutors also looking into the deal confirmed that Tony Georgiadis helped channel millions in arms deal bribes to South African ministers and officials. What is particularly interesting about these allegations is the fact that

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<sup>142</sup> Feinstein, *After the Party: A Personal and Political Journey Inside the ANC*, 155.

<sup>143</sup> *ibid.*, 155.

<sup>144</sup> *ibid.*, 155.

<sup>145</sup> *ibid.*, 155.

<sup>146</sup> Evelyn Groenink, "Arms Deal: Who Got R1bn in Pay-Offs?" *Mail and Guardian Online*, January 12, 2007. <http://www.mg.co.za/article/2007-01-12-arms-deal-who-got-r1bn-in-pay-offs> (accessed September 12, 2007).

<sup>147</sup> *ibid.*

Georgiadis was considered a close friend of Thabo Mbeki. Reportedly Georgiadis influenced Mbeki while he was a lobbyist for a German arms interest during the acquisitions process. Mbeki had been the Chair of the Cabinet subcommittee that managed the arms acquisition.<sup>148</sup>

As more evidence is revealed it has become clear that despite Mbeki and the ANC claims of no corruption in the arms deal, evidence has revealed corruption right through to the top of the ANC. Feinstein argues that in the end the Presidency was responsible for ending any investigation and pressuring the auditor-general to change the report critiquing the deal.<sup>149</sup> The presidency was also involved in smothering all investigations by the national director of public prosecutions because of the ANC's possible acceptance of bribes to fund its election campaign.<sup>150</sup>

Connected to the arms deal is the role of Schabir Shaik, who was charged with corruption and fraud because of his relationship with his brother Chippy in the arms scandal. Not only was Shaik involved in deals which his brother Chippy oversaw, but his trial also revealed a very close relationship with Jacob Zuma, for whom he acted as financial advisor. In Schabir's trial most evidence against him centered on his 'generosity' towards Zuma, which amounted to nearly R1 million. It is alleged Zuma lent his name and influence for cash to help Schabir's business dealings.<sup>151</sup>

As a result of Shaik's trial, Zuma was later charged with corruption leading to his firing by Mbeki as deputy president. Although the case collapsed on a technicality, it did

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<sup>148</sup> Evelyn Groenink, Sam Sole and Stefaans Brummer, "Arms Deal: 'Ministers Got Millions'," *Mail and Guardian Online*, December 14, 2007. <http://www.mg.co.za/article/2007-12-14-arms-deal-ministers-got-millions> (accessed January 15, 2008).

<sup>149</sup> Feinstein, *After the Party: A Personal and Political Journey Inside the ANC*, 213.

<sup>150</sup> *Mail and Guardian Online*, "Mbeki Killed BAE Bribery Inquiry," " November 13, 2007. <http://www.mg.co.za/article/2007-11-13-mbeki-killed-bae-bribery-inquiry> (accessed January 15, 2008).

<sup>151</sup> Jenni O'Grady, "'in the End, Mr. Shaik Bribed Mr. Zuma'," *Mail and Guardian Online*, February 26, 2008. <http://www.mg.co.za/> (accessed March 1, 2008)

create a large rift in the ANC, pitting supporters of Mbeki against those of Zuma. Many in Zuma's camp have declared that Mbeki purposefully used the corruption trial to sideline Zuma, reducing his threat to Mbeki's leadership.<sup>152</sup>

Furthermore, in late 2005 and early 2006 Zuma was put on trial for rape. These charges also fell through but it did reveal questionable behavior on Zuma's part, particularly testimony that the woman was HIV positive and had looked upon Zuma as a father figure.<sup>153</sup> Most troubling though is that Zuma was head of a moral regeneration campaign and head of the presidential task team on HIV/Aids.

In early January 2008 Zuma was charged again for corruption stemming back to his relationship with Shaik. The new dynamic to this situation was the fact that Zuma now led the ANC. His supporters have claimed that the charges were simply another attempt by Mbeki to bring down Zuma during their battle for leadership of the party. This brings the thesis to the final area of analysis on the ANC, the succession battle.

### **2007 ANC Leadership Succession**

The succession battle in the ANC has been one of the most disruptive incidents in South Africa's young democracy. It highlighted the frustration over Mbeki's policies as president which created a groundswell of discontent within the rank and file of the ANC, and to a certain extent the rest of the country. The succession battle for the leadership of the ANC took place on December 16-20 2007 at Poklowane during the party's national conference. What made this succession so much different from past leadership choices was that, for the first time in decades, the ANC would have to choose a leader rather than simply crown an heir apparent. The last three presidents of the ANC had all stood

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<sup>152</sup> Zenzile Khumalo, "South Africa: Zuma Vs. the State," *New African*, November, 2005, 18.

<sup>153</sup> Stephen Bevan, "A Trial that both Sides Will Lose," *New Statesman*, March 27, 2006, 21.

unopposed. Oliver Tambo won the job due to the inability of the ANC to hold an election during the apartheid years. Nelson Mandela was an obvious choice, and Mbeki too went unopposed, though much backroom maneuvering took place to ensure no challengers arose to face him.<sup>154</sup>

The 2007 leadership race came down to two candidates, Thabo Mbeki and Jacob Zuma. Although in the lead up to the vote many tried to put forward a compromise candidate, due to the ANC's aversion to politicking and lobbying for personal gain, no one emerged despite a wealth of talented leaders in the fold.<sup>155</sup> As the party fractured into two sides, backing Mbeki or Zuma respectively, the chances of another candidate, such as Cyril Ramaphosa or Tokyo Sexwale became remote.

Mbeki, as previously discussed, came under considerable criticism during his term as president. His centralizing control of the ANC created an open revolt within the party. His contempt for the rank and file members, his distant, aloof and intellectual style, business-friendly policies, and failure to improve service delivery or mitigate rampant crime and poverty angered party members. As well, his handling of corruption, specifically his glacial pace in dealing with ANC members embroiled in corruption as opposed to his swift moves to sideline Zuma, also angered the party. At the national level Mbeki upset many over his questionable views on AIDS, inferring there is no connection between HIV and AIDS, and his policy of quiet diplomacy towards Zimbabwe.

Zuma, on the other hand, marketed himself as Mbeki's polar opposite. Not formally educated like Mbeki, Zuma appealed to the rank and file, those Mbeki seemingly shunned. Many in the ANC, especially the leftist contingent (Cosatu/SACP), identified

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<sup>154</sup> Gumede, *Thabo Mbeki and the Battle for the Soul of the ANC*, 310.

<sup>155</sup> Michelle Faul, "ANC Feud could Decide SAfrica Presidency," *Guardian Unlimited*, International Section, November 28, 2007.

with Zuma's rise from poverty to the leadership of the ANC.<sup>156</sup> Zuma's appeal is populist in nature; he promised to redress the poverty issues many claim Mbeki ignored. But Zuma was also careful to appease the business- sector by stating that his economic policy would not differ from Mbeki's.<sup>157</sup>

Controversy at the party conference developed over the fact that Zuma was still mired in corruption allegations and that Mbeki's term of office was to end in 2009. Constitutionally Mbeki had to step down as president of South Africa, yet he desired to continue as ANC president for a third term. Most argued that by staying on he could control who the next president would be and maintain significant influence over the party to ensure his legacy. What is abundantly clear is that Mbeki did not want to see Zuma become president.<sup>158</sup>

The lead up to the Poklowane Conference revealed serious divisions within the ANC. Indeed, the infighting and factionalism created by an open leadership race was quite foreign to the ANC and the party seemed ill-prepared to handle it. The ANC had always kept all internal conflict under tight control and it is exactly its closed nature, a leftover from exile days, which left the party confused and troubled when faced with open debate and adversarial politics.<sup>159</sup>

By the time of the conference, Zuma was almost assured victory, and indeed won overwhelmingly. With Zuma trouncing Mbeki the country was left with an unclear future. Mbeki was left a lame-duck president who was no longer in control of his own party. Zuma was soon after charged again with corruption, leaving the party's leadership

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<sup>156</sup> *Reuters*, "Mbeki's Hold on Power at Risk in ANC Leadership Vote," December 11, 2007.

<sup>157</sup> Alec Russell, "Restless Townships Want ANC to Deliver," *Financial Times*, December 14, 2007.

<sup>158</sup> Gumede, *Thabo Mbeki and the Battle for the Soul of the ANC*, 312

<sup>159</sup> *The Economist*, "Zuma Comes Out on Top," December 22, 2007, 78.

situation very uncertain. Added to this is the fact that many in the Zuma camp, including Zuma himself, felt Mbeki was mobilizing state resources to discredit him. Looking at how slow Mbeki was to deal with other corruption incidents such as the Selebi incident their claims seem justified.

The leadership conference created two centers of power in the ANC. Mbeki supporters, though, lost much control over the party's central machinery, especially in the NEC. Mbeki's policies on the economy and control over the party, which fostered his unpopularity, caught up with him and his desire to ensure his legacy was now out of his hands. Zuma, on the other hand, continually said the right things politically in areas of Mbeki's greatest failures such as on corruption and centralization in the ANC.

### **Conclusion**

The analysis of the three facets of the ANC in this chapter develops an interesting picture of the party and Thabo Mbeki. Mbeki's vision of what the ANC should be, given the goals and values of the African Renaissance, led him to remake the party. Understanding the diverse views within the party, Mbeki knew for his vision to be realized, control over the party would be essential. Thus we see the centralization and curbing of internal democracy within the party. This created space for corruption to develop. Placing the leadership of the party in the hands of a few loyalists with little in the way of accountability left the party susceptible. Corruption and centralization also created an unsettled atmosphere around the leadership succession in 2007. Anger over Mbeki's leadership style and ideology developed into full revolt against his policies and led to the accession of Zuma as party president. Due to Mbeki's penchant for sidelining

opponents, no strong candidates other than Zuma, a man charged with corruption, emerged.

The next chapter will consider the ANC's performance as it relates to good governance in order to analyze Thabo Mbeki's term in office. Chapter four will discuss whether Mbeki's leadership can be considered in line with good governance or if it falls into more African conceptions of leadership.



## CHAPTER FOUR: ANALYSIS

### Introduction

The headline of the July 16 2008 *Mail and Guardian* newspaper read “Has South Africa betrayed Mandela’s legacy?” in reflection of the post-Mandela era as the former president celebrated his 90<sup>th</sup> birthday.<sup>160</sup> South Africa, as it moved closer to voting in its third election since the apartheid era, was in the process of answering such a question. Nelson Mandela was lauded as a great African leader because he brought democracy to South Africa peacefully through forgiveness and reconciliation of his apartheid oppressors. His commitment to the democratic process separated him from other African leaders, seen most strikingly in his decision to step down from office after only one term. Yet, as Mark Gevisser explains, Mandela “...was a far better liberator and nation-builder than he was a governor. In contrast, [Thabo] Mbeki marketed himself as the technocratic, truth-telling antidote to the madness and the magic – the scattershot celebrity – of the Mandela era.”<sup>161</sup> Mandela is often credited with bringing democracy to the country but it was Mbeki who had the task of implementing democratic governance as Mandela’s deputy.

Mandela’s legacy towered over that of Mbeki who took over government in 1999. Gevisser explains Mbeki’s attitude towards Mandela and the celebrity that surrounded him:

“What seemed to irritate Mbeki most about the discourse of Mandela exceptionalism from the beginning, is that it cast Mandela as the great democrat and himself as the ‘tyrant-in-waiting’, whereas he often experienced the reality as the opposite: he was the modernizer who

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<sup>160</sup> Barry Moody, "Has SA Betrayed Mandela's Legacy?" *Mail and Guardian Online*, July 16, 2008. <http://www.mg.co.za/article/2008-07-16-has-sa-betrayed-mandelas-legacy> (accessed July 20, 2008).

<sup>161</sup> Gevisser, *Thabo Mbeki*, 699.

believed in the supremacy of the rule of law; he worked always within the rules of democracy, sometimes having to rein in the somewhat autocratic tendencies of his superior, who ruled with more than a little imperial caprice.”<sup>162</sup>

Mbeki felt that this Mandela exceptionalism fostered the idea that black African leaders not named Mandela could never rule competently. Mbeki often felt this was an indication that many perceived that he too could not rule proficiently.<sup>163</sup> Thus, when the question of tarnishing Mandela’s legacy is posed, for Mbeki, it is an accusation loaded with racial overtones denigrating his ability to govern. If Mandela was less a governor and more a reconciler whereas Mbeki was the true democrat who held closely the tenets of good governance how is Mbeki’s term in office measured and does it indeed let down Mandela’s legacy?

Chapter Four will dissect the evidence presented in Chapter three and evaluate it as it compares with the tenets of good governance. Using the World Bank’s governance indicators and the NEPAD country assessment of South Africa to assess the ANC record, it will reveal that Mbeki has not followed through on his endorsement of good governance. In the second half of Chapter Four the reasons why good governance has not taken hold will be discussed through an analysis of neopatrimonialism in South Africa.

### **Good Governance in South Africa**

The UNECA declaration on good governance explains that those charged with leading a government must do so in an effective, transparent, and accountable manner. As the World Bank points out, even a small improvement in governance by one standard

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<sup>162</sup> *ibid.*, 713.

<sup>163</sup> *ibid.*, 706.

deviation can induce a threefold rise in income in the long run.<sup>164</sup> There are questions though about the applicability of good governance as it is defined by the UN, World Bank, and other organizations to Africa. As it has been discussed previously, good governance is based on the best practices of the West which inevitably leads to a west-centric interpretation of good government. This subjective interpretation of the supremacy of western good governance model raises questions over the applicability and compatibility in African situations particularly when African power relationships do not operate the same as they do in the West.

The first World Bank governance indicator is voice and accountability which includes the ability for citizens to choose their government, freedom of expression, freedom of association, and a free media. In looking at the World Bank data on voice and accountability in South Africa there is a slight downward trend from just above the 70<sup>th</sup> percentile in 1996 to below the 70<sup>th</sup> in 2002.<sup>165</sup> By 2006 the World Bank ranked South Africa at the 67.3 percentile.<sup>166</sup> The World Bank has tracked South Africa on a downward trend from 1996 to 2006.

The signs which indicate a weakening of voice and accountability are most evident within the ANC. ANC policy under Mbeki became increasingly controlled from the centre. Under Mbeki policy and debate were tightly managed by the presidency undermining internal accountability. With the ANC poised to retain electoral control for the foreseeable future, the lack of accountability within the party highlights a concerning

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<sup>164</sup> World Bank, "A Decade of Measuring the Quality of Governance. Governance Matters 2006: Worldwide Governance Indicators, 1996-2006. Annual Indicators and Underlying Data," Pg 2-3.

<sup>165</sup> Daniel Kaufmann, Aart Kraay and Massimo Mastruzzi, "Governance Matters VII: Aggregate and Individual Governance Indicators, 1996-2007," *World Bank Policy Research Working Paper no. 4654* (June 28, 2008).

<sup>166</sup> *ibid.*

trend regarding voice and accountability in South Africa. Specific issues such as party electoral lists create problems of voice and accountability in parliament. NEPAD's country assessment of South Africa echoes this sentiment by focusing on proportional representation (PR) in that country. The assessment notes that PR is necessary to institutionalize representative pluralist democracy because it ensures small parties and groups have representation. Yet the assessment warns that PR's main challenge is "...the manner in which MP's maintain links with the electorate. Because the MPs are elected through a closed list, their election is dependent on the party bosses. MPs are therefore beholden to the Party and its hierarchy rather than to constituents who elected them. This raises the issue of accountability."<sup>167</sup>

Another accountability issue in parliament is floor-crossing in South Africa. NEPAD's country review notes that stakeholders and opposition parties in South Africa have expressed concern that floor-crossing could potentially harm democracy and good governance in South Africa.<sup>168</sup> The fourth amendment of the Constitution allows for two 15-day periods in each five year term for MP's to change parties. The effect of allowing this in a PR system is that the already troublesome connection between MP and people is further weakened. Notably and unsurprisingly, the ANC has benefited the most from floor-crossing. As Mattes notes "Apart from the naked political opportunism exhibited by these events, the ANC has yet to explain how it can allow members to switch parties and still observe the constitutional requirement that election results must result in proportional representation."<sup>169</sup>

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<sup>167</sup> African Peer Review Mechanism, "South Africa Country Review Report no. 5," The New Partnership for Africa's Renewal, <http://www.nepad.org/aprm/> (accessed June 9, 2008).

<sup>168</sup> *ibid.*

<sup>169</sup> Mattes, *South Africa: Democracy without the People?*, 26.

With regards to freedom of expression there has been a noticeable repression and stifling of divergent views within the party. Mbeki sought to sideline those who expressed different or opposing views on anything pertaining to his leadership. One incident in the party that reflected this was Mbeki's firing of deputy health minister Nozizwe Madlala-Routledge for attending an AIDS conference in Spain without permission. Critics have pointed out that Madlala-Routledge, who revitalized the ANC's approach to AIDS, may have actually been fired due to her criticism of the ANC's poor job in tackling the AIDS epidemic.<sup>170</sup> Mbeki's view on AIDS has long been a source of bewilderment; his questioning of the disease most likely led to the government's slow response to the virus which has allowed the pandemic to proliferate. Additionally, the ANC has tended to base authority on collective decision making derived from its central structures, such as the NEC or NWC. Thus, the promotion of individual success and ideas ahead of the party line is heavily discouraged.<sup>171</sup> Mbeki often used this ANC tradition, a relic from its resistance past, to silence critics and stifle them on the grounds that individual criticism will cause factionalism in the party.<sup>172</sup>

Under Mbeki the ability of the ANC member to have any say in who leads the party diminished drastically. Election to the NEC became controlled and managed while debate over his leadership was off limits. This may have lent stability to policy decisions but limited the membership's ability to influence policy. Since 1997 the ANC political elite has continually exerted more control over the rank and file membership. A 2002 NWC document written for the 2002 Party Conference highlights this well. The document

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<sup>170</sup> *International Herald Tribune*, "South African AIDS Activists Outraged Over Axing of Deputy Health Minister," August 9, 2007, <http://global.nytimes.com/?iht> (accessed January 21, 2008).

<sup>171</sup> Anthony Butler, "How Democratic is the African National Congress?" *Journal of Southern African Studies* 31, no. 4 (2005)

<sup>172</sup> Mattes, *South Africa: Democracy without the People?*, 25.

explained that competing for positions in the party was to strive for individual gain over the party; therefore competition for leadership positions should be regulated and controlled. The document stated that members should look to ANC leadership for direction on whom to choose for leadership. This highlights why so often under Mbeki, incumbent positions for the NEC were elected unopposed.<sup>173</sup>

Freedom of the media during Mbeki's term in office was also closely monitored. The media in South Africa is amongst the strongest and most vibrant on the continent yet suspicion over the public broadcaster acting as an agent for the ANC and Mbeki led to considerable concern. As well, the consolidation of media ownership and its close ties to the former president created conflicts of interest in the media. As mentioned in Chapter three these incidences that challenge the integrity and freedom of the press harm the image of independent media.

The second World Bank governance indicator is political stability and absence of violence. In this area of governance South Africa has undeniably made great progress since 1994. The World Bank's figures reveal the same story. In 1996 South Africa ranked close to the 15<sup>th</sup> percentile, by 2002 it was over the 30<sup>th</sup> percentile.<sup>174</sup> As of 2006 South Africa was ranked in the 44.2 percentile.<sup>175</sup>

The ANC has done much to improve South Africa since the end of apartheid and is due much credit. Yet, at the time of writing the ongoing crisis in Zimbabwe over Robert Mugabe leadership has forced millions of Zimbabwean nationals into South Africa. In townships around Johannesburg and Pretoria in May 2008 thousands of Zimbabwean

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<sup>173</sup> Butler, *How Democratic is the African National Congress?*, 733.

<sup>174</sup> Kaufmann, Kraay and Mastruzzi, *Governance Matters VII: Aggregate and Individual Governance Indicators, 1996-2007*.

<sup>175</sup> *ibid.*

nationals living in South Africa were the target of violence and murder by South Africans.<sup>176</sup> The violence was due mostly to a feeling amongst South Africans that foreigners have been taking jobs and generating much of South Africa's crime.<sup>177</sup>

The next World Bank indicator is government effectiveness. Government effectiveness refers to the quality of government and civil services as well as the level of their independence. The quality of government policy and the credibility of government commitment to its policy also fall under government effectiveness. Within the ANC, policy became consolidated under a few ANC heavyweights loyal to Mbeki. This policy from the centre provided little consultation with rank and file ANC members. Mbeki's economic policy, the Growth, Employment and Reconstruction strategy (GEAR), was a good example of this. GEAR strongly encouraged market-driven action to improve growth through the private sector. This has proved contentious given that two ANC alliance members, SACP and COSATU, are leftist in ideology and have vehemently opposed GEAR. Due to the centralization of policy they had little say in the economic plan, despite being in the alliance.

GEAR has been somewhat successful in improving South Africa's economic position. Despite an economy left crumbling by the apartheid regime, GEAR did provide economic stability.<sup>178</sup> Yet, it is difficult with high poverty rates to implement such a policy. Some have pointed out that GEAR was a good policy for South Africa, but without flexibility in the labour market it failed to create adequate growth.<sup>179</sup> Regardless

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<sup>176</sup> Barry Bearak and Celia W. Dugger, "Anti-Immigrant Violence Rages on in South Africa," *International Herald Tribune*, May 20, 2008, <http://global.nytimes.com/?iht> (accessed May 21, 2008).

<sup>177</sup> *ibid.*

<sup>178</sup> Gumede, *Thabo Mbeki and the Battle for the Soul of the ANC*, 98.

<sup>179</sup> Feinstein, *After the Party: A Personal and Political Journey Inside the ANC*, 287.

of the effectiveness of GEAR, there were stark differences between what ANC membership wanted and what Mbeki forced through into law.

The lack of oversight from parliament has contributed to the breakdown of policy formulation and implementation. The ANC's majority in parliament assured that it controlled parliament's performance and what it achieved. NEPAD's assessment notes that parliament has been inconsistent at best in its role as seen in its handling of issues such as HIV/Aids and the Arms deal.<sup>180</sup> With the amount of control exerted by Mbeki over parliament it was often limited to developing or amending legislation in areas which the executive had little interest.<sup>181</sup>

Issues with the quality of policy have damaged the credibility of the ANC government's commitment to policy that benefited South Africans. Evidence is mounting concerning policy which has brought the effectiveness of the ANC-led government into question. Economic policy issues such as GEAR and BEE have not improved the poverty situation in South Africa despite producing positive growth rates and a black capitalist class. Combined with the issues of Mbeki's 'quiet diplomacy' towards Robert Mugabe in Zimbabwe the development of a tinderbox waiting to ignite was inevitable. As mentioned, in May 2008, xenophobic violence flared up across townships in South Africa. Rampant poverty combined with a mass influx of Zimbabwean nationals fleeing their own country's economic crisis created unrest. The xenophobic violence may even be construed as anger over the ineffectiveness of Mbeki's government. It was his government and administration which failed to deal with poverty and Zimbabwe on any

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<sup>180</sup> African Peer Review Mechanism, "South Africa Country Review Report no. 5," 102.

<sup>181</sup> Mattes, *South Africa: Democracy without the People?*, 27.



level. In fact, Mbeki declared soon after Zimbabwe's election in March 2008 that there was in fact 'no crisis' in Zimbabwe,<sup>182</sup> despite evidence proving otherwise.

Other policy issues made Mbeki and the ANC less credible as well. The AIDS issue, which was alluded to previously, caused extreme delays in dealing with the disease. The insecure relationship between the security forces, namely the South African Police Service (SAPS) and the Scorpions, created an alarming turf war that will see the Scorpions anti-corruption force disbanded and brought under control of SAPS. Questions abound on why this has occurred given the Scorpions' level of success, with some arguing that the ANC is ridding itself of the Scorpions because they are uncomfortable with their willingness to go after the ANC's own.

There is a connection between policy coming under control of Mbeki and his cronies and the quality of policy implemented by the ANC becoming less effective. This has, in turn, hurt the credibility of the government. The chief oversight body, parliament, designed to create a level of accountability failed to do so for a number of reasons. The Proportional Representation (PR) system causes MP's to ally themselves more with their party which nominated them instead of protecting and fighting for citizen's interests. The allegiance to the public does not affect their positions.<sup>183</sup> This low interactivity with citizens allows for little accountability; an MP will not lose his or her job for towing the party line because voters do not have a direct connection with their MP. On the other hand an MP could risk his or her job if they stray from the party line even to defend the

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<sup>182</sup> *New York Times*, "The Failures of Thabo Mbeki," May 14, 2008.

<sup>183</sup> African Peer Review Mechanism, "South Africa Country Review Report no. 5," 103.

interests of the public. The ANC often relies on party loyalty to prevent parliamentarians from carrying out oversight of the executive.<sup>184</sup>

The quality of public services is a difficult issue for South Africa as it is for most African nations. South Africa's problems stem partly from apartheid as most services were designed for only the white minorities needs. Therefore the difficulty lies in creating enough capacity to meet the entire population's needs.<sup>185</sup> Despite efforts to improve delivery of services, progress has been slow. NEPAD's country review notes that the lack of capacity, experience, and responsiveness of civil servants has been central to the stunted progress in the delivery of services. One can point to healthcare, crime, and land redistribution amongst other sectors and issues where service delivery has hurt South Africa. The lack of delivery may also explain the xenophobic violence that gripped the nation in May 2008.

One of the major reasons why service delivery has lagged behind is the quality of the civil service and its lack of capacity. Despite a commitment to improving the quality of the civil service the task is monumental and will take time to accomplish. Projects initiated by the central government to lend support to provincial and municipal governments to improve capacity have helped but could also lead to dependency on the national government, an issue already hindering good governance in other areas.<sup>186</sup> Another reason for the lack of skill within the public services may be found in the enforcement of BEE programmes in legislation. BEE legislation for private companies in South Africa has caused them to look towards the public sector for highly skilled

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<sup>184</sup> Mattes, *South Africa: Democracy without the People?*, 27.

<sup>185</sup> African Peer Review Mechanism, "South Africa Country Review Report no. 5," 104.

<sup>186</sup> *ibid.*, 104.

employees. By enticing public employees through large salary commitments, BEE laws are damaging the civil services ability to retain highly-skilled employees.<sup>187</sup>

The fourth World Bank indicator is regulatory quality. This refers to the ability of the government to formulate and implement sound policies and regulation that permit and promote the private sector. Much like political stability, regulatory quality is tracked by the World Bank on an upward trend. In 1996 South Africa occupied the 51.2 percentile but by 2006 the country had improved to the 70.2 percentile.<sup>188</sup> The improvements in this area have been strong thanks to Mbeki's economic action plan, GEAR. The commitment to GEAR surfaced as an issue in the run up to the leadership succession vote in December 2007 because it had become such a point of division within the ANC.

Rule of law is the fifth governance indicator and it refers to the extent to which agents have confidence in and abide by the rules of society, in particular the quality of contract enforcement, the police and courts, and the likelihood of crime and violence. According to the World Bank, South Africa has failed to make headway in improving this aspect of governance. In 1996 the World Bank ranked South Africa in the 60.5 percentile and by 2006 the country was ranked 58.6.<sup>189</sup>

The role of the courts has been a contentious issue during the ANC term in power. Under Mbeki the ANC proposed legislation which would allow him to nominate top judges and put court administration under the control of the Department of Justice.<sup>190</sup> Due to the outcry these bills were withdrawn. Yet, at the ANC conference in December

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<sup>187</sup> *ibid.*, 104.

<sup>188</sup> Kaufmann, Kraay and Mastruzzi, *Governance Matters VII: Aggregate and Individual Governance Indicators, 1996-2007*.

<sup>189</sup> *ibid.*

<sup>190</sup> Paul Simao, "Judicial Independence Under Scrutiny," *Mail and Guardian Online*, January 25, 2008. <http://www.mg.co.za/article/2008-01-25-judicial-independence-under-scrutiny> (accessed March 1, 2008).

2007 the ANC voted again to transform the judiciary reportedly to make it more reflective of South African citizenry. This incarnation of judicial change is similar to the original restructuring first proposed by Mbeki and has caused similar concern because it would mean restructuring courts and their responsibilities.<sup>191</sup>

The NEPAD assessment of South Africa clearly states the importance of rule of law and the necessity of an independent judiciary in promoting good governance.<sup>192</sup> For South Africa the report acknowledges that its judiciary is independent and free from political pressure, but notes that apartheid's legacy, when the judiciary was a tool of oppression, makes it difficult to deliver proper justice for much of the population. The assessment favours reforming the judiciary to reflect the South African population quickly but only if judges are appointed on merit alone.<sup>193</sup> If not, there is the risk that those appointed could be beholden to those who chose them. The report also makes reference to the legislation proposed in reforming the judiciary as referred to above. The report notes that stakeholders fear that those reforms may threaten the judiciary's independence.<sup>194</sup> This harkens back to Mbeki's penchant for centralizing control.

Butler comments on the turbulent relationship between the ANC and the courts by noting that the ANC has become more critical of the bench's apparent racist character and overwhelming white, male bench. This could mean that judicial authority will be a slow process to establish due to conflicts arising over politically motivated appointments in the future.<sup>195</sup>

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<sup>191</sup> *ibid.*

<sup>192</sup> African Peer Review Mechanism, "South Africa Country Review Report no. 5," 100.

<sup>193</sup> *ibid.*

<sup>194</sup> *ibid.*

<sup>195</sup> Butler, *How Democratic is the African National Congress?*, 721.

As outlined in chapter three the police system in South Africa has struggled to fulfill its mandate. The South African Police Service (SAPS) have been criticized heavily over increasing crime rates. Added to SAPS problems is the looming takeover of the Scorpion anti-corruption force. Despite showing signs of progress in fulfilling its mandate to tackle corruption the Scorpions will be folded into SAPS, meaning one division of security service that is working will be dissolved and reformed under a structure that currently is struggling to fulfill its mandate. The xenophobic violence which exploded in May 2008 exposed, in drastic fashion, the inability of SAPS to keep the rule of law. Overall, incompetence at the Safety and Security Ministry, corruption in the police force, and affirmative action has hurt capacity within SAPS, leading to its inability to provide a safe environment.<sup>196</sup>

The final governance indicator identified by the World Bank is control over corruption. This indicator refers to whether public power is exercised for private gain which includes both petty and grand forms of corruption as well as ‘capture’ of the state by elites and private interests. The World Bank’s research reflects tepid change in corruption levels in South Africa. In 1998 South Africa ranked in the 70.9 percentile, dipping to 67.5 in 2002 and back up to 70.9 percentile in 2006.<sup>197</sup> A number of political figures close to Mbeki or under his leadership became embroiled in high profile corruption scandals, some of which the Scorpions investigated. Most notably, and

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<sup>196</sup> *Mail and Guardian Online*, "Govt Blamed for Violence 'Tinderbox'," May 20, 2008, <http://www.mg.co.za/article/2008-05-20-govt-blamed-for-violence-tinderbox> (accessed May 21, 2008).

<sup>197</sup> Kaufmann, Kraay and Mastruzzi, *Governance Matters VII: Aggregate and Individual Governance Indicators, 1996-2007*.

discussed in this paper, are the criminal activity surrounding Jacob Zuma and Jackie Selebi as well as the growing corruption within the bureaucracy.<sup>198</sup>

Mbeki controlled and centralized power which led to diminished accountability and corruption. The leadership succession brought to light how extensively Mbeki alienated the ANC grassroots supporters. The xenophobic violence highlighted how much his policy alienated large sectors of the country, specifically the poor. It was, after all, the poor who were promised the fruits of a free South Africa by the ANC and they have gained the least under Mbeki.

As evidence has shown, Mbeki was inconsistent in implementing good governance principles especially when they obstructed him politically. I believe this has occurred because of an informalization of politics under the ANC's watch. This is most evident in tracing Mbeki's penchant for neo-patrimonial leadership when it suited him politically. South Africa's experience may approach that of Zimbabwe when Robert Mugabe took over from the Ian Smith regime. Chabal and Daloz explain Mugabe's Zimbabwe:

“the post-colonial Africanization of the political system has brought a relatively rapid erosion of established bureaucratic norms. A large number of the new political elites, anxious to make good the disadvantages they suffered under the Smith regime; are today active participants in the informalization of politics.”<sup>199</sup>

A similar situation may be developing in South Africa but under different circumstances. Due to the historical uniqueness of South Africa, it may not conform exactly as other African nations have, yet there are trends which are evident within South African political culture that echo neopatrimonialism as it has been identified elsewhere in Africa.

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<sup>198</sup> African Peer Review Mechanism, “South Africa Country Review Report no. 5.”

<sup>199</sup> Patrick Chabal and Jean-Pascal Daloz, *Africa Works: Disorder as Political Instrument* (London: International African Institute in association with James Currey Oxford, 1999), 16.

## Neopatrimonialism in South Africa

To identify neopatrimonialism in South Africa we again turn to Bratton and van de Walle's three institutions: Presidentialism, clientelism, and state resources. The first theme, presidentialism, is seen in South Africa through the centralization of the ANC which led to the consolidated control of the party in the hands of Thabo Mbeki. There are two ways in which to consider this: the first is to ascribe the centralization and consolidation of the ANC to the modernization of the political system in South Africa. As Butler points out, for a mass party to obtain or hold on to power it must eventually control its rebel and dissident voices in order to have the appearance of unity. Essentially "...democracy that is deep (deliberative) and wide (participatory) undermines the organizational and political pre-requisites for party effectiveness. Parties are primarily instruments for securing state power, and they survive in competitive systems only through relatively rigorous organization to ensure effective recruitment, candidate choice, and campaigning."<sup>200</sup> Centralization of the ANC could be construed as encouraging in so much as it represents a maturing of the democratic process. Multiparty politics is a competition for power, and those parties that can attract the most votes by appealing to the widest spectrum of voters will hold on to power. With a wider base the party becomes home to multiple interests, which can represent a wider group of voters.

The second way to view the centralization of the ANC is the consolidation of power in the presidency. As Chapter three suggests, Mbeki actively brought control of the party under himself in an effort to supervise and administer all aspects of the party's direction and policy. Despite appearances that suggest a consolidation of the party system, it is more likely that Mbeki behaved like a big man in his actions to centralize the party.

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<sup>200</sup> Butler, *How Democratic is the African National Congress?*, 728.

Mbeki tended to hijack apartheid-era ANC policies, used in the past to protect the ANC while an underground resistance movement, to gain control over all aspects of the ruling party in the post-apartheid era.

The need to gain control of the party was probably a result of the shift from a Marxist-Leninist movement to fully fledged capitalist party. Some have stated that in order for a pact to be agreed upon by the National Party (NP) to end apartheid the ANC had to ensure its acceptance of a market economy with protection of property rights.<sup>201</sup> This would fall into line with the idea that Mbeki realized there was no choice for the ANC and went ahead with economic transformation through the GEAR program. Mbeki strove to control policy, local party branches, auxiliary structures, and parliament while ensuring consultation and dialogue were kept to a minimum in the ANC. In addition those who questioned the presidency were quickly silenced through coercive tactics. Thus a pattern emerged of a president eager to be involved in every decision, regardless of importance. As well, the willingness to use coercive steps to ensure power was retained by the presidency identifies a presidentialization of the ANC.

These tactics of seeking to control all aspects of the party and ensuring mechanisms to maintain that control could explain how Mbeki hoped he could control the influential leftist contingent within the ANC. In order to ensure the shift to capitalism within the ANC there would have had to be a plan to make sure the rank and file of the ANC would accept this change. Mbeki, therefore, simply took control of the party to ensure the acceptance by the ANC of a plan that may not have reflected the ANC's membership's ideological disposition.

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<sup>201</sup> Zine Magubane, "The Revolution Betrayed? Globalization, Neoliberalism, and the Post-Apartheid State." *The South Atlantic Quarterly* 103, no. 4 (2004).



In understanding Mbeki's bid to control the ANC, the role of parliament is especially important. In order to develop into a successful party and implement plans such as GEAR, control needed to be centralized in order to maintain a singular message from the party. With many in the party wary of GEAR Mbeki needed to control all aspects of power in order to institute his economic vision. Parliament should have been at the forefront of holding the presidency to account but parliament failed numerous times to do so. A distinctive sign of neo-patrimonial rule is the curbing of parliamentary structures in African nations. In South Africa this has been no different. The Arms Deal has become a classic example of parliament relenting on its duty in the face of a powerful presidency. As referred to previously, Andrew Feinstein actively attempted to uncover this massive corruption scandal but was silenced through coercion and eventually was replaced as the ANC representative on SCOPA, the committee investigating the deal. The remaining ANC MP's took control of the committee in order to shut down any investigation into the ANC involvement in the deal. The strong majority which the ANC possesses in parliament meant the curbing of internal democracy of the ANC which in turn affected governance on a whole in South Africa.

There are obvious traits that Mbeki displayed while in power which fall into line under Bratton and van de Walle's concept of presidentialism. Despite this, he does not fulfill all dimensions of presidentialism such as promoting a cult of personality around himself or attempting to model himself as a father figure of the country. Yet, as we have seen there are strong examples which attest to aspects of 'big man' democracy that are emerging.

Clientelism could also be identified in South Africa under Mbeki. Clientelistic practices by Mbeki to solidify his presidency came chiefly through installing his loyalists into key positions and the black economic empowerment (BEE) programs. In appointing loyalists to all departments and areas of government (regardless of merit or skill) Mbeki was able to gain control of expansive areas of government. In return, many of those he appointed owed their position (and its perks) to Mbeki himself. This can produce an obligation to confer with him frequently on decisions, and produce poor results in return due to micromanagement. An example has been the AIDS issue where various cabinet ministers, including the health minister Dr. Manto Tshabalala-Msinmang, an Mbeki crony, failed to question the president's skepticism over the connection between HIV and AIDS. The outcome proved disastrous; a late start on the production of anti-retrovirals which caused South Africa to be embarrassingly late to deal with the epidemic.<sup>202</sup> This was also the same minister who claimed garlic and beetroot would defend the body from the HIV virus.

Parliament is another example of the growing clientelism within the governing ANC. The proportional representation system was taken advantage of by Mbeki to control who sat in parliament. As the electoral lists are chosen by the presidency, those who were selected became beholden to the presidency. The opposite is also true; those who disagreed with Mbeki found their names stricken from the list. Parliamentarians therefore had to be careful with their criticism because to be seen taking an opinion opposite the official ANC line could cause the loss of an influential patronage position.

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<sup>202</sup> Michael Wines, "South Africa Official is Accused, but Not Investigated," *The New York Times*, August, 21, 2007.

Loyalists who were given parastatal positions, placed on parliamentary lists, or hired to coveted jobs within the government took advantage of their positions of power in the ANC under Mbeki. The 'gate' scandals, Jackie Selebi, Jacob Zuma, and the Arms Deal all bear witness to ANC political elite abusing the positions they were voted to or appointed to. The 'gate' scandals specifically speak to the 'perks' and rents that those in the ANC felt were available to them because of the positions they held. The conclusion of the travel gate scandal saw the liquidators of the parliamentarians travel debts told to no longer pursue any action to reimburse what was stolen.<sup>203</sup>

BEE has caused a flood of ANC elites to move seamlessly into the private sector. They have been able to secure control of large companies or become black fronts for white-dominated companies in various sectors in order to fulfill government mandated quotients. Mbeki had sought to create a black middle class, on the example of Malaysia, which would be beholden to the ANC.<sup>204</sup> Although an important goal the motives behind creating a black capitalist class restricted its effectiveness in solidifying democracy due to the role Mbeki and ANC wanted it to play in nation building. The ANC and Mbeki hoped BEE would legitimize their regime because a black capitalist class would buffer it against an impatient black majority as well as obtain economic power that would rival their white counterparts in the economy.<sup>205</sup> Therefore 'patriotic' blacks were shuttled off to important, visible sectors of the economy where white's dominated (mining, energy, petroleum, media and telecommunications, financial services, and government procurement contracts) via BEE. As Mbeki's brother Moeletsi Mbeki, a deputy

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<sup>203</sup> *Mail and Guardian Online*, "DA Questions Halt to Travelgate Probe," May 13, 2008. <http://www.mg.co.za/>. (accessed May 15, 2008).

<sup>204</sup> Herbst, "Mbeki's South Africa."

<sup>205</sup> Iheduru, "Black Economic Power and Nation-Building in Post-Apartheid South Africa," 20.

chairperson of the *SA Institute of International Relations* at the University of Witwatersrand, has pointed out the BEE process has stagnated due to nepotism and the transfer of assets to those with political connections in the ANC.<sup>206</sup>

Democracy needs a strong middle class that identify their economic independence from the state and begin to hold government accountable. Due to the coercive nature of the ANC with regards to government-business relations – forcing black business leaders to be the support structure of the regime – a very different outcome has emerged from BEE:

“The absence of instrumental-rational, class-conscious institutions’ has, however, made direct personal connections to state officials and the party hierarchy the preferred route to continued accumulation. Corruption and fronting for white capital have become endemic to the BEE process that has begun to acquire neo-patrimonial characteristics as government departments and agencies have yet to develop the capacity to monitor compliance.”<sup>207</sup>

The idea behind BEE is sound as the redistribution of assets to de-racialize the South African economy was needed. Yet the ANC has attempted to use the black middle-class to protect itself from the poor black majority and white economic power. The ANC Mbeki-ites, it would seem, created a network of clients to retain power.

With only a few gaining, the vast rank and file of the ANC, who were promised the fruits of freedom, have received next to nothing. Their lot in life has not improved at all: unemployment rates remain the same, service delivery is still slow and halting, and the ANC seemingly has done nothing to change this. The support networks which brought the ANC to power, the poor black majority, were neglected.

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<sup>206</sup> Hopewell Radebe, "Black Business Elite Trades Struggle for Wealth," *Business Day*, November 6, 2003.

<sup>207</sup> Iheduru, *Black Economic Power and Nation-Building in Post-Apartheid South Africa*, 23.

The third institution highlighted by Bratton and van de Walle is the use state resources. The use of state resources by Thabo Mbeki has been quite widespread and based mostly upon using the power of the state to coerce and manipulate in order to fulfill his goals. This is most evident in the ‘assassination plot’, his protection of police commissioner Jackie Selebi, and his attempts to sideline Jacob Zuma. Mbeki’s use of the state to manipulate and control opponents and protect friends has been some of the most explicit evidence of patrimonial logic in his term in office. The use of state resources revealed a president who believed he was above the law.

In the assassination plot, the revelation of three prominent leadership opponents plotting to oust Mbeki from office allowed Mbeki to conveniently push these political rivals out of politics in 2001 despite scant evidence of such a plan.<sup>208</sup> As well, by 2001 Mbeki had fallen out with Jacob Zuma when it emerged that Zuma was considered a successor to Mbeki due to the president’s failures in Zimbabwe and AIDS. When corruption charges emerged in connection with Zuma during 2005 it gave Mbeki a reason to sideline Zuma.<sup>209</sup> What makes the Zuma firing questionable is Mbeki’s continual protection of Jackie Selebi. Selebi, a close confidant of Mbeki’s, was not fired as Police Commissioner despite damaging evidence that connected Selebi to criminal groups related to Brett Kebble’s murder. In fact, in late June 2008, Mbeki decided to extend Selebi’s contract for another year despite pending charges of corruption.<sup>210</sup> If Mbeki wanted to rid the government of corruption by sending a message that no one was safe - seen in the firing of Zuma - his protection of Selebi provided a very inconsistent message.

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<sup>208</sup> Gumede, *Thabo Mbeki and the Battle for the Soul of the ANC*, 61.

<sup>209</sup> *ibid.*, 128.

<sup>210</sup> *Mail and Guardian*, "Mbeki's Zim Paradox," June 27, 2008. <http://www.mg.co.za/> (accessed August 1, 2008).

Instead of setting a strong precedent against corruption Mbeki came across as trying to protect friends and remove rivals.

The more traditional use of state resources in patrimonial regimes, the handing out of state funds to obtain electoral support, can be seen in the arms deal and Chancellor House deals. The Arms deal saga continues to unfold and reveal a murky picture in which numerous ANC figures gained significantly. The extent to which ANC leaders have gone to cover up or stunt any attempt at investigating the deal raises further questions on the likelihood of corruption.

Chancellor House is specifically at risk to corruption due to its role as ANC investment arm. As long as the ANC is in power Chancellor House will conceivably provide inside access to state resources. It has become an easy means for dispensing state resources through channels that can appear legitimate and harmless. Importantly, Chancellor House provided cover for government and business because the ANC government is no longer seen handing out state resources directly for political gain. The power deals with Eskom highlight this well. Eskom fell into trouble because its coal buying procedures were altered to favour small, BEE-related coal suppliers. The inefficiency this created caused Eskom's reserves to drop disastrously low. Due to mismanagement Eskom had to look for new projects to increase power production as South Africa fell deeper into a power crisis. The urgency the crisis created allowed Chancellor House to step in and obtain large contracts from Eskom. The ruling party's funding arm receiving black empowerment contracts from a state-owned corporation will create substantial patronage opportunities.

Interestingly it even seems the ANC Youth League (ANCYL) has followed in its parent organization's footsteps by creating its own big men. At the ANCYL national Conference in 2008 the conspicuous show of expensive cars chauffeuring the Youth leaders to the conference was in sharp contrast to the general membership who arrived aboard buses. Controversy erupted over how the league's leaders attained money for such expenditures. Membership in the Youth League has become popular not only as an entrance to politics, but also as a fast track to riches. The fact that the Youth League has its own financial arm, Lembede, may provide an explanation for its popularity.<sup>211</sup>

The Youth League example provides overt evidence that 'big man democracy' is emerging in South Africa. The idea that the Youth League is no longer a place where young ANC members are brought into the party to train and become the leaders of tomorrow paints a troubling picture of the ANC. No longer an educational institution for the ANC, the Youth League has become attractive to young people because it provides the opportunity to access wealth quickly. Indeed, the Youth League provides an example of what politics has become in South Africa, a pathway to state resources. As the ANC dominates the political landscape and continues to be the singular avenue to personal success, the growth of neopatrimonialism will not be far behind. The party and the political offices it holds no longer are there for the advancement of the ANC and its members' goals, but rather as their own personal wealth generators.

In analyzing the extent of neopatrimonialism in South Africa I would like to refer back to Bratton and van de Walle's modal regimes. Under apartheid South Africa would be considered a settler regime. Accordingly South Africa, after transforming into a

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<sup>211</sup> Nosimilo Ndlovu and Niren Tolsi, "Bling on the ANC Ivy League," *Mail and Guardian Online*, July 6, 2008. <http://www.mg.co.za/article/2008-07-06-bling-on-the-anc-ivy-league> (accessed July 10, 2008).

multiparty system, should have a good chance to be a successful democracy. The Mandela years provided strong indication that this would be true due to the introduction of a strong constitution, the establishment of the Truth and Reconciliation Commission, and the role of Mandela himself. Yet, under Mbeki good governance was shelved in favour of patrimonial logic. There are strong traces of presidentialism, clientalism and use of state resources which provide evidence of neopatrimonialism. For Bratton and van de Walle, these incidences identify that the country is backsliding from its democratic freedoms. This suggests that African countries are either progressing towards democracy or they are reversing course towards authoritarianism. In the case of South Africa, under Mbeki, the country may have experienced a challenge to its progression towards Western style democracy or it is regressing from its democratic high water mark due to various failures, some of which are outlined in this thesis. Yet, if it is true that a country is progressing towards Western democracy with problems along the way, or is permanently regressing due to problems such as an authoritarian leader, does this provide enough explanation for similar failures throughout the African continent? It would be difficult to argue that Africa, as a continent, has been so afflicted simply due to circumstance. Chabal and Daloz offer a differing explanation which argues that it is not a question of whether African nations are progressing or regressing from Western style democracy, but rather issues such as neopatrimonialism should be expected given the various circumstances in Africa that are not present in Western democracies.

It is clear South Africa is showing increasing signs of patrimonial logic at the expense of good government. The bureaucracy, which Chabal and Daloz explain is so important to modernization, is failing to show signs of emancipation from the state, as



corruption is at apartheid levels or worse with evidence mounting that bureaucratic positions are increasingly used for patronage.<sup>212</sup> The question then is why governance gains from the democratic transition have so quickly dissipated. Chabal and Daloz argue that the informalization of politics is the desired state of Africa's political elite meaning it may be desirable to attain a less institutionalized state because it meshes better with the relationship between the political elite (patrons) and the ANC rank and file (clients).

Thabo Mbeki, in a quest to develop an entirely new power base for the ANC, had to break away from the ANC's traditional and historical power base – the majority black and poor who reside on the political left. Patrimonial logic underlies the BEE program as the ANC's hegemonic tendencies have stunted the rise of a strong capitalist class.<sup>213</sup> Mbeki therefore may have understood that patrimonial logic continues to operate in South Africa and used it to develop his own power base. He recognized the necessity to shift the ANC to a market-friendly platform due to external influences such as a pact with the National Party and global economic pressure and thus used patrimonial power to perform this major change in the ANC. The reality that patrimonial logic is present in South African politics may explain more properly why many in the ANC elite have followed a more informalized style of politics.

The informalization of politics raises the possibility that Mbeki has constructed a big-man democracy in South Africa. For Mbeki, who lived for years in exile abroad during apartheid, there are other complex issues at stake which may shed light on his behavior regarding patrimonialism. As expressed at the start of this chapter, it was Mbeki who was the democrat and Mandela who tended to a more imperial tone in leadership

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<sup>212</sup> African Peer Review Mechanism, "South Africa Country Review Report no. 5," 112.

<sup>213</sup> Iheduru, *Black Economic Power and Nation-Building in Post-Apartheid South Africa*, 26.

which meant that Mbeki did want to, in some ways, implement good governance. But the problems that Mbeki has failed to deal with such as AIDS and Zimbabwe often were initiated from his complex and sometimes mystifying views on issues like race and Africanism. Therefore it may not be fair to state that Mbeki has introduced neopatrimonialism solely because of a desire to become a big man. Indeed his secretive style of leadership provided fertile ground for neo-patrimonial logic, but the complexity of the former president reveals that some of the damage his leadership inflicted on the country may be poor leadership in a general sense. Regardless, his leadership provided room for neopatrimonialism to germinate in South Africa. Thus, Mbeki's true impact on South Africa will be that he opened the door to neopatrimonialism in South Africa.

### **Beyond Thabo Mbeki**

Mbeki's authoritarian style, centralized control, protection of cronies, and attempts at running for a third term as ANC president have also paved the way for Jacob Zuma. Zuma became the symbol for everything and everyone Mbeki rejected. He is personable, a 'man of the people,' Zulu, leftist, not formally educated, and a 'self made man.' He has spoken out against Robert Mugabe whom Mbeki steadfastly refused to condemn. The leftist contingent in the ANC, so shunned by Mbeki, has backed Zuma completely. Since Zuma's rise to power, his loyalists have taken control of the majority of ANC posts once held by Mbeki supporters.

Jacob Zuma, it seems, will be beholden to the left once in power which illustrates how Mbeki's term in the presidency has left room clientelism and patrimonial logic to expand. Mbeki rejected traditional clientelistic bonds and was dismissed as ANC leader. By Mbeki so abruptly turning his back on the rank and file, politics in South Africa

became a zero-sum game. Now political power in South Africa will likely depend on who can establish the most networks. The need and desire to be in charge politically has become of utmost importance because of the access to resource it entails.

This may explain how Zuma has become the president of the ANC. With little formal education, having twice been charged with corruption– which was essentially proven in the Shaik corruption trial- and having been charged with rape he still easily defeated Mbeki for the presidency of the ANC in December 2007 and took control of the larger networks within the ANC. Clients will inevitably migrate to those patrons who they see as being most able to dispense state resources. Zuma has gathered support (clients) from the overlooked left in the ANC which propelled him to power.

The rivalry between Mbeki and Zuma also highlighted the uniqueness of neopatrimonialism in South Africa. Despite the fact that Mbeki is Xhosa and Zuma is Zulu, rarely has the tension between them been ethnic in nature. Some in the Zulu camp have brought up ethnicity as the reason for Zuma's firing yet ethnicity has, for the most part, stayed out of the leadership battle and drive for resources. The ANC has done well to avoid ethnic tension over its history which has probably dampened the ethnic trouble so far within the party. Instead, neopatrimonialism exists along class lines within the black majority in South Africa, namely between the poor black and the black bourgeoisie.

Numerous calls for a compromise candidate were heard in the December 2007 leadership conference for the ANC. With a stable of younger, capable leaders waiting in the wings the elder Zuma was still the most preferred candidate for leadership in opposition to Mbeki. As Chabal and Daloz stated, legitimacy comes from how well your clientele is nourished and Zuma has promised much to the left which makes access to

governmental resources paramount for him. Zuma owes much to the leftist contingent in his party when he comes to power and will face tough decisions when those resources are available to him.

A number of challenges still stand in Jacob Zuma's journey to the presidency of South Africa. As Mbeki was pushed further aside to lame-duck status Zuma appeared to gain more control and power within the ANC. It has been a troublesome journey for Zuma as he is beset by corruption allegations and an angry leftist contingent which has backed him completely. If he does not fulfill the promises made to the left, he may experience more trouble than Mbeki as the left has staked its future to Zuma.

Jacob Zuma has said and done all the correct things to placate those who worry over the direction South Africa will take under his leadership. Fortunately for him, the poisoned political atmosphere that Mbeki created has allowed Zuma to receive the benefit of the doubt from many critics and citizens. The Zuma era will be the most important presidency to date in South Africa due to the shortcomings of Mbeki's term. Encouragingly, Jacob Zuma represents a second leadership change for South Africa since the end of apartheid.

Jacob Zuma's troubles though are South Africa's troubles and his issues will challenge governance in South Africa as much as Mbeki's did. First, the issue regarding his corruption charges must be resolved. Zuma and his team had developed a plan to have his case thrown out or delayed until he reaches office. He has since had the charges dropped through a controversial court decision but that has not cleared him of the charges. Recently the courts have allowed prosecutors to charge him again if they deem fit. A delaying tactic would allow him, when in office, to amend the constitution to

protect a current president from prosecution.<sup>214</sup> Most in the Zuma camp feel that he has been unfairly attacked by Mbeki by way of the Scorpion anti-corruption force which to them justifies the push to skirt the corruption charges regardless of the tenuous legality of such a maneuver. Zuma supporters insist on this so much that after Zuma and his loyalists took control of the ANC they immediately moved to place the Scorpions under control of the SAPS.<sup>215</sup>

Zuma supporters have stood militantly behind him in his quest to escape his corruption trial. Julius Malema, president of the ANCYL, has said he is ready to kill to prevent Zuma's trial.<sup>216</sup> Cosatu's general secretary Zwelinzima Vavi also reiterated this sentiment. This attitude towards Zuma concurred with a report which suggests that many in the ANC believe it is more important that Zuma become president than follow the Constitution and its provisions.<sup>217</sup>

Added to Zuma's legal woes is the case of Western Cape Judge John Hlophe who was accused by the Constitutional Court of trying to solicit two of its own judges to favour Zuma in his corruption trial.<sup>218</sup> Hlophe allegedly approached two judges with a 'mandate' in Zuma's favour. Hlophe is accused of relaying to those judges knowledge of people who would lose their jobs after the election.<sup>219</sup> Zuma has denied any connection to Hlophe but the situation did prove volatile.

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<sup>214</sup> Nic Dawes and others, "Pass the Panado," *Mail and Guardian Online*, June 13, 2008.

<http://www.mg.co.za/article/2008-06-13-pass-the-panado> (accessed July 21, 2008).

<sup>215</sup> Jacques Keet, "Scorpions Bill Tabled in Parliament," *Mail and Guardian Online*, May 12, 2008.

<http://www.mg.co.za/article/2008-05-13-scorpions-bill-tabled-in-parliament> (accessed May 15, 2008).

<sup>216</sup> *Mail and Guardian Online*, "Stand Up for the Constitution," June 20, 2008.

<http://www.mg.co.za/article/2008-06-20-stand-up-for-the-constitution> (accessed August 1, 2008).

<sup>217</sup> *ibid.*

<sup>218</sup> *ibid.*

<sup>219</sup> Sello S. Alcock, Adriaan Basson and Mandy Rossouw, "Hlophe: The Big Questions," *Mail and Guardian* June 20, 2008. <http://www.mg.co.za/article/2008-06-20-hlophe-the-big-questions> (accessed August 1, 2008).

The most important test for good governance and the growth of neopatrimonialism in South Africa with regards to Zuma is how he will placate the left in the ANC. Since his victory in December 2007 he has taken great pains to calm the fears of businesses' and investors by claiming that he will not introduce major monetary or fiscal policy changes.<sup>220</sup> After these attempts by Zuma to woo business leaders his popularity dipped precipitously, a mere six months from his election to the top ANC job.<sup>221</sup> With his victory over Mbeki and subsequent dip in the polls, the left has proven its strength within the ANC. It remains to be seen if Zuma would dare not shift ANC policy to the left.

As the general election approached in 2009, Cosatu took a strong approach to its role in the ANC. General-Secretary Vavi of Cosatu identified the election of Zuma as "usher[ing] in a new situation."<sup>222</sup> Vavi has made it known he expects a shift to the left as "...Post-Polokwane is about reversal."<sup>223</sup> Cosatu's president echoed this sentiment stating unequivocally that the "ANC must be on the forefront when the masses are rising. We expect the ANC to sit down and talk to us. We expect the leadership we have campaigned for in Polokwane to sit down with us. This is why Cosatu worked so hard to ensure [that] the leadership of the ANC is strongly biased towards the workers."<sup>224</sup>

Zuma has promised all things to all sides which inevitably will leave someone disappointed. If he continues Mbeki's policy the left will be angered and he will lose the support networks that brought him to power. It will reassure the markets and business leaders but surely that confidence would quickly erode should Cosatu attempt to

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<sup>220</sup> Matuma Letsoalo and Nosimilo Ndlovu, "Fear the Wrath of the Poor--Cosatu," *Mail and Guardian Online* July 26, 2008. <http://www.mg.co.za/article/2008-07-26-fear-the-wrath-of-poor-cosatu> (accessed August 1, 2008).

<sup>221</sup> Dawes and others, "Pass the Panado."

<sup>222</sup> Natasha Marrian, "Zuma Calls for End to Alliance Tension," *Mail and Guardian*, May 10, 2008. <http://www.mg.co.za/>. (accessed May 11, 2008).

<sup>223</sup> *ibid.*

<sup>224</sup> Letsoalo and Ndlovu, "Fear the Wrath of the Poor—Cosatu."

destabilize the work force with strikes and other tactics. Cosatu president Dlamini had already attacked Mbeki's finance minister with such tactics: "You too [Manuel], if you do not listen to the voices of the poor, war unto you,"<sup>225</sup> Additionally, if Zuma continues Mbeki's policy the issues surrounding BEE will persist, only with Zuma controlling which clients receive state funding. Eventually, this will further destabilize the market, causing more investors to flee.

If Zuma decides to placate the left and shift ANC policy in that direction he stands to completely frighten already shaken investors and destabilize businesses in South Africa. He will have satisfied his base by bringing into his fold many on the left who have been shut off from access to key state resources. This would mirror post-Ian Smith Zimbabwe. This may be a worst-case scenario but given the growing militancy of the left in the ANC it should not be ruled out. With the expectation of Zuma becoming president many diverted their attention away from ANC priorities toward patronage possibilities that await those who backed Zuma. Thus need and desire to see the consolidation of democracy and good governance principles continues to ebb away.<sup>226</sup> This should not come as a surprise, despite the left's constant criticism of Mbeki's closed, autocratic leadership the real complaint of the left in the ANC may be that it has been denied access to state resources and patronage opportunities. With Jacob Zuma assuming power the drive by those who brought him there to seek the reward for their support is growing, with good governance losing traction. Referring back to Chabal and Daloz, if South Africa is held up to the tenets of good governance it will undoubtedly fail to pass the

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<sup>225</sup> *ibid.*

<sup>226</sup> Steven Robins, "In a Populist Vice-Grip," *Mail and Guardian Online*, August 13, 2008. <http://www.mg.co.za/article/2008-08-13-in-a-populist-vicegrip> (accessed August 30, 2008).

grade because development (code for modernization) in contemporary Africa will not “...fit with the western experience of development.”<sup>227</sup>

It is difficult to blame Mbeki wholly for the situation South Africa finds itself in. If South Africa is held up to the tenets of good governance it is bound to fail because good governance as a theory does not necessarily apply to the political reality in Africa. For example, the perception of the individual in Africa should not be conceptualized as a citizen acting as an individual agent for personal gain, which is a key foundation for good governance. Rather it is important to conceive of individuals only within a wider community in Africa.<sup>228</sup> This renders the application of good governance based on western ideals difficult at best. In addition Chabal and Daloz point out that Bratton and van de Walle’s theory also relies upon defining individuals as citizens which disregards the socio-economic environment.<sup>229</sup> This means the thought that Africa will consolidate along democratic lines or at least be in the process of transitioning to democracy as the West conceives is troublesome at best. Chabal and Daloz explain further:

“In our view, multi-party elections are unlikely to bring about significant change in the nature of individual differentiation in the present context of social, economic, and political disorder. We would be thus wary of any suggestion that such transitions might usher in a fundamental mutation in the contemporary political order. The experience of South Africa where, uniquely on the continent, Western and African notions of identity both have deep historical roots, will be an interesting test case of the extent to which Western-style democracy evolves in Africa.”<sup>230</sup>

Indeed, with both notions deeply imbedded in South Africa this, possibly, is why Mbeki used patrimonial logic to introduce Western style democracy and good governance. After

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<sup>227</sup> Chabal and Daloz, *Africa Works: Disorder as Political Instrument*, 142.

<sup>228</sup> *ibid.*, 156.

<sup>229</sup> *ibid.*, 157.

<sup>230</sup> *ibid.*, 157.



years of Western political identity dominating the social sphere, the African identity has begun to assert itself, drawing two identity concepts into close contact which is producing a uniquely South African political landscape.

### **Conclusion**

South Africa possesses many traits of emerging neopatrimonialism which it developed under Thabo Mbeki and could continue under Jacob Zuma. This emerging neopatrimonialism is not a reversal of democratic development as Bratton and Van de Walle argue, rather it is the development of a political functionality that works best for those who have the most at stake, South African citizens. Therefore if Mandela was the zenith of African leadership and the mold to which all African leaders should be held up to then Mbeki may have tainted his legacy. Yet, if Mandela is the model leader because he seems to fit the western ideals of a leader then it may be prudent to revisit the model of good governance in Africa. What good is the governance model if it does not function properly in African culture? Thabo Mbeki's term in office may have brought neopatrimonialism into South African politics, but it is important to bear in mind that neo-patrimonial ideals may fulfill African political needs more directly and efficiently than good governance anyway.

## CHAPTER FIVE: CONCLUSION

One of the most telling incidents in South Africa which offers a small example of the political environment which emerged from the Thabo Mbeki era is the state of disrepair that Robben Island has found itself in. The island, made famous as the jail which housed Nelson Mandela during apartheid, has since become a living memorial which vividly portrays the extreme brutality of apartheid. The site is visited by thousands, becoming a popular tourist destination in Cape Town. In fact, the location has been deemed a World Heritage Site due to its importance.

Despite the importance of the island, prison, and museum the site has been severely mishandled in recent years due to gross financial mismanagement. At every point there has been complete incompetence, fraud, and theft of the island's resources and revenue by its management.<sup>231</sup> For example an audit found that executive management's salaries increased by 259% between 2004 and 2007.<sup>232</sup> As well, an unbelievable number of financial irregularities bankrupted the tourist site, as a result of management treating the island "...like their own private ATM."<sup>233</sup>

What makes the Robben Island situation a small example of South Africa under the ANC is how the party responded to the incident. The Minister of Arts and Culture, Pallo Jordan, recommended that the management team at fault be allowed to resign quietly in order to avoid embarrassment. Jordan stated in a letter:

"It's deemed prudent that the council pass a resolution to approve the final report and charges and further that the CEO, COO, and CFO be given the

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<sup>231</sup> Nic Dawes and Pearlie Joubert, "How Robben Island was Robbed," *Mail and Guardian Online*, August 1, 2008. <http://www.mg.co.za/article/2008-08-01-how-robben-island-was-robbed> (accessed August 25, 2008).

<sup>232</sup> *ibid.*

<sup>233</sup> *ibid.*

option to resign with immediate effect in lieu of being charged and facing a disciplinary hearing, on conclusion of which the likely sanction would be dismissal.”<sup>234</sup>

The ANC’s response to the neglect shown Robben Island highlights the larger state of the ANC. The criminal act was not the immediate concern; rather it is the perception of the party that was so important as well as the protection of ANC loyalists appointed to the island’s management.

What Robben Island signifies, and the way the ANC wanted to handle it, highlights well the volatile political scene in South Africa. Incidents such as these provide glimpses of the changing attitudes around governance. Interestingly the management team was still charged despite a desire by the ANC to handle the matter quietly. This brings together the competing nature of politics where two ideals of governance and leadership intersect, on the one side the ANC and neopatrimonialism and the other, good governance.

The one indelible mark Thabo Mbeki made during his leadership was the informalization of politics in South Africa. Yet, whether Mbeki saw himself as a big man is difficult to say. A democratizing figure under Mandela he quickly centralized control, muzzled criticism, and displayed decidedly autocratic behavior once gaining the presidency. The question remains, were his autocratic tendencies due to the increasing influence of neopatrimonialism in South Africa? I would argue that it was the influence of neopatrimonialism that has driven Mbeki in this direction; that being said, there are other factors that have no doubt also affected Mbeki and the ANC.

This thesis does not begin to defend Mbeki’s term in office, yet it does identify key signs that point to neopatrimonialism which may explain some of Mbeki’s perceived errors in leadership. The failures during Mbeki’s term in office may be partially blamed

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<sup>234</sup> *ibid.*

upon an inevitable tide of neopatrimonialism which has been attributed in other African nations to have weakened good governance. South Africa is considered important to the West, a country in Africa with relatively strong democratic roots, civil society, and judiciary which makes it a model for others on the continent. It has the strongest capacity for good governance in Africa; it possesses a strong historical inheritance built upon the legacy of Nelson Mandela, and yet the country appears to have stagnated in terms of political development.

There are two points which may provide answers to some of the problems identified in this thesis. Some have been alluded to in passing already but they bear repeating. The first is the ANC's history as a revolutionary liberation movement. As a Marxist underground freedom movement the ANC had a number of organizational aspects which have influenced the current party. For example, the ANC has maintained its top down authoritarian leadership structure, internal criticism is frowned upon, and self-promotion and campaigning are considered foreign to the movement – as this would put the interests of the individual ahead of the party. These features have carried over despite its transition to a market-friendly, democratic party. As detailed previously, these apartheid era tactics have flourished in today's ANC to help party leaders tighten their hold on the party and its direction. As well, the liberation movement often convinces the party going forward that it has a god-given right to lead, regardless of elections or popularity.

The second point is the fact that the ANC is the dominant party in a multiparty system. Similar to other African nations such as Zimbabwe, Tanzania, and Botswana, South Africa has only known one party in power. There is a deep connection between former liberation movements and the dominant party after independence. The importance

of the dominant party aspect is that the future of the country rests with the ANC. This means the future of South Africa is therefore subject to the idiosyncrasies of the ANC. The ANC's more autocratic traits therefore affect the country as a whole.

These two themes have played an important role in South Africa and will be important in the future of the country. These features, though not root causes, have facilitated a further informalization of politics. As a dominant party the ANC does not have the incentive to follow good governance. With neo-patrimonial concepts prevalent and democratic institutions failing to provide accountability, coupled with a dominant party with a growing desire to centralize control, the situation South Africa is now in should not be surprising.

Looking towards the future it is difficult with any certainty to predict what will happen in South Africa. The future of the country is now firmly in the hands of Jacob Zuma. Prior to the 2009 election, which Jacob Zuma won handily, his corruption charges were again thrown out but the allegations of corruption will continue to follow him throughout his presidency. As well, how the looming stand-off between the Zuma-led ANC and the judiciary will offer a glimpse of where South Africa is headed. Mbeki flirted with changing the judiciary but never was able to fully bring the judiciary under ANC control. With the immense pressure now put on the courts with the full force of the Zuma-led ANC the results will bear watching.

Looking at the long-term picture of South Africa, questions must be raised over the viability of good governance in the country. Watching a country such as South Africa gradually move away from good governance practices can be disconcerting but if there is

a realization that the long term viability of Western solutions for African problems may be in question, history may prove kinder to South African than other African nations.

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