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**BETWEEN CONSOLIDATION, PROMOTION
AND RESTORATION**

TRADE UNIONS AND DEMOCRACY IN SOUTH AFRICA,
NAMIBIA, ZIMBABWE AND SWAZILAND

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ABSTRACT

This thesis critically examines the ability of trade unions to consolidate, promote and restore political democracy in South Africa, Namibia, Zimbabwe and Swaziland. The process of democratisation is premised on two transitions. First, is the transition from authoritarianism to democratic government, and second, is the transition from this government to the consolidation of democracy. Temporally, the focus of this dissertation is on the period *after* the first transition to democracy. It is argued that a minimalist conception of democracy needs to be consolidated, promoted and restored in the countries under consideration. As such, competitive, free and fair elections; a considerable level of political participation; and the guarantee of political civil liberties are necessary before maximalist conditions of democracy could be instituted. The focus on trade unions here is premised on the importance of both their plural and educative functions. In understanding the ability of trade unions to consolidate, promote and restore democracy, this thesis examines both the capacity and limitations of trade unions in the post-independence political sphere to effect political change. South Africa represents the best case of democracy in consolidation with primacy given to the constitutionally-mandated prescriptions of democracy. For trade unions, the space (while narrowing) still exists for the exercise of critical engagement with the state. This engagement is premised on the historical tradition of active and robust trade unions, and a strong culture of internal democracy. In Namibia, the narrowing of political space and the rise of increasing authoritarian tendencies in the political sphere has been complemented by a weak trade union movement, that have mobilised opportunistically against the state. While the federation has largely been timid in its contestation of the state, examples do persist of independent affiliates openly contesting the ruling party. In Zimbabwe and Swaziland, the 'golden age' of trade unions challenging the state in the mid-1990s has passed. The labour movement in each case has been ineffective in reaching the levels of organisation and mobilisation of this period. Largely met with extremely repressive measures, trade unions have been cowed and demobilised through the use of repressive state apparatuses.

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ACRONYMS AND ABBREVIATIONS

ANC: African National Congress

CiMAC: Conciliation, Mediation and Arbitration Commission

CODESA: Conference for a Democratic South Africa

COSATU: Congress of South African Trade Unions

ESAP: Economic Structural Adjustment Programme

EPZ: Export Processing Zone

FSE: Federation of Swaziland Employers

GEAR: Growth, Employment and Redistribution

ICA: Industrial Conciliation Act

INM: Imbokodvo National Movement

LRA: Labour Relations Act

MDC: Movement for Democratic Change

NCA: National Constitutional Assembly

NECF: National Economic Consultative Forum

NNLC: Ngwane National Liberatory Congress

NWPC: National Working People's Convention

OPC: Ovamboland People's Congress

OPO: Ovamboland People's Organisation

PSA: Public Sector Association

POSA: Public Order and Security Act

PUDEMO: People's United Democratic Movement

RDP: Reconstruction and Development Programme

SACP: South African Communist Party

SDA: Swaziland Democratic Association

SFL: Swaziland Federation of Labour

SWAPO: South West African People's Organisation

ZANU: Zimbabwe African National Union

ZANU-PF: Zimbabwe African National Union – Patriotic Front

ZCTU: Zimbabwe Congress of Trade Unions

ZFTU: Zimbabwe Federation of Trade Unions

University of Cape Town

1.

INTRODUCTION

The celebrated transitions from authoritarian rule to democratic rule signalled a paradigmatic shift in the political economy of Southern Africa during the latter half of the last century. The opening of political space and the move toward a pluralist constitutional democracy were seen to herald the end of repressive political, economic and social relations that were the hallmarks of colonial and apartheid rule. African struggles for democracy and political change were intimately linked to popular sentiment and mobilisation. Organised elements of civil society provided an important challenge to authoritarian rule. The labour movement in particular, “was recognised as fundamental in explaining the successes, failures and different national trajectories of processes of political transition,” during processes of democratisation in Southern Africa.¹ Despite the optimism that political transitions brought to the region, democracy in Southern Africa appears to be in recession. While the political landscape has changed, great problems remain. Certainly, while popular support for democracy is still pervasive, trends toward single dominant-party rule persist despite multi-party elections; there has been re-emergence of once authoritarian leaders; and states in the region continue to undermine an arguably already supine civil society.

The process of democratic transition and reform has been central to the contemporary study of politics in Southern Africa. That civil society plays an important part in *contributing* to, and not necessarily *causing*, transitions to democracy, is recognised in the foundational literature on democratic transition. But this recognition nevertheless subordinates civil society to political elites. In their authoritative analysis of transitions from authoritarian rule, O’Donnell and Schmitter argue that civil society actors are available to mobilise *only* once political space opens for popular participation in the transition. This “resurrection of civil society”, or “explosive

¹ Franco Barchiesi, ‘Labour, Neoliberalism and Democratic Politics in Nigeria and South Africa: A Comparative Overview,’ Paper presented to the workshop on *Comparing Experiences of Democratisation in Nigeria and South Africa*, Centre for African Studies, University of Cape Town, 20 May-2 June, 1998, 2

society”, combine at particular moments of the transition in a “popular upsurge” to pressure the authoritarian regime into pacting between incumbent elites and opposition. In this theorisation of transitions, political elites remain central and decisive actors in initiating the process of transition.²

In counterpoint, the seminal proposition by Adler and Webster in which they challenge this conception of transition theory in South Africa by locating, centrally, the trade union movement in the process of political reform, provides the context upon which the analysis in this study engages the process of political change in post-transition Southern Africa. Certainly, as Adler and Webster contend, the myopic focus on “elites [in the process of transition] lead it to misunderstand the role of popular movements and the struggle in the origin, development and outcome of actual transitions.”³ As will be shown, civil society actors have played an important, if not central role, in contributing to the process of political reform in Southern Africa.

FOCUS

This thesis critically examines the ability of trade unions, as central constituents of civil society, to consolidate, promote and restore political democracy in South Africa, Namibia, Zimbabwe and Swaziland. The process of democratisation is premised on two transitions. First, it is the transition from authoritarianism to democratic government, and second, is the transition from “this government to the consolidation of democracy, or in other words, to the effective functioning of a democratic regime.”⁴ Temporally, the focus of this dissertation is on the period *after* the first transition to democracy in which the normative conditions for regime efficiency is being entrenched. The notion of ‘consolidation’ serves as an important analytical tool upon which to establish an enquiry into the capacity and limitations of trade unions in

² Guillermo O’Donnell and Phillippe Schmitter, *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies* (Baltimore, Johns Hopkins University Press, 1991), 48-55. See also, Elke Zuern, ‘The Changing Roles of Civil Society in African Democratisation Processes’ in Hussein Solomon and Ian Liebenberg (eds.) *Consolidation of Democracy in Africa: A View from the South* (Aldershot: Ashgate, 2000), 111

³ Glenn Adler and Eddie Webster, ‘Challenging Transition Theory: The Labor Movement, Radical Reform and Transition to Democracy in South Africa,’ *Politics and Society* 23,1 (1995), 76

⁴ Guillermo O’Donnell, ‘Transitions, Continuities and Paradoxes,’ in Scott Mainwaring, Guillermo O’Donnell and J. Samuel Valenzuela (eds.) *Issues in Democratic Consolidation* (Notre Dame: University of Notre Dame Press, 1992), 18, author emphasis

attempting to entrench this efficiency. Simply put, in the present analysis 'consolidation' represents the 'ideal-type' end-point of the dual transition, where political democracy becomes so entrenched that it is experienced behaviourally, attitudinally and constitutionally, to make it the "only game in town."⁵ Further, by positing 'consolidation' as an 'ideal-type,' it also allows for an assessment of the extent to which democratic regression has occurred, and as such, provides the framework upon which promotion and restoration may proceed.

It is argued that a minimalist conception of democracy needs to be consolidated, promoted and restored in the countries under consideration. While maximalist conceptions of democracy are highly alluring, as they stress the need for redistribution of economic assets and general popular empowerment so crucial to a viable political system, it is contended here that *before* such conceptions of democracy are employed, there needs to *first* be an entrenchment of the minimal requirements of competitive, free and fair elections; a considerable level of political participation; and the guarantee of political civil liberties. Without these prerequisites, maximalist conceptions of democracy would be more difficult to institute.

It is of significant consequence to note that the first period of transition is characterised not only by the effects of political liberalisation, but also economic liberalisation. As such, trade unions need to negotiate the contradiction that emerges in these twin processes. While trade unions were important actors in the process of political liberalisation, the accompanying effect of economic liberalisation served to undermine the "nature, definition and characteristics" of organised labour.⁶ Fundamentally, this is informed by the relationship between the state and the trade union movement as a constituent of civil society. Indeed, this thesis concurs with the argument that the "continued quest for democracy [is] a commentary upon the relationship between the state and civil society."⁷

⁵ Juan Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America and Post-Communist Europe* (Baltimore: Johns Hopkins University Press, 1996), 5

⁶ Barchiesi, 6

⁷ Jean-Francois Bayart, 'Civil Society in Africa' in Patrick Chabal (ed.) *Political Domination in Africa: Reflections on the Limits of State Power* (Cambridge: Cambridge University Press, 1986), 111

The focus on trade unions here is premised on the importance of both their plural and educative functions. Greater examination is however accorded to the former function. Given their centrality in the economy and their ability for mass mobilisation at critical junctures, trade unions are important agents of political change. Certainly, a powerful and sophisticated labour movement can, as a collective actor, have the ability to shape the contours of the process of democratisation through the strategic use of its power in negotiated compromises.⁸ Moreover, trade unions also play an important role as 'laboratories for democratic learning,' where the development of the normative democratic attributes such as tolerance, mediation and compromise are developed. The analysis here locates trade unions within a broader theoretical conception of civil society.

In understanding the ability of trade unions to consolidate, promote and restore democracy, this thesis examines both the capacity and limitations of trade unions in the post-independence political sphere to effect political change. Such an analysis requires an historical premise. The dynamics of the struggle for liberation and eventual decolonisation in Africa also created a specific relationship between the government of the newly-liberated state and the organised labour movement. Political leaders in newly liberated countries believed that unions should be concerned with issues relating to the creation of new national societies, while governments would determine the specific form that the political (and industrial relations) system would assume. Indeed:

Since trade unions played a prominent role in the independence movement, African governments therefore expect trade unions to play a dualistic role, first, that of aiding overall development, and second, the representation of the job interests of the rank and file members. The argument for this reversal of the primary role of unions to be developmental rather than representational is based on the government belief that trade unions only represent a tiny fraction of the labour force in any developing country.⁹

⁸ Glenn Adler and Eddie Webster, 'Bargained Liberalisation: The Labour Movement, Policy Making and Transition in Zambia and South Africa', Paper presented to the workshop on *Comparing Experiences of Democratisation in Nigeria and South Africa*, Centre for African Studies, University of Cape Town, 20 May-2 June, 1998, 3

⁹ Ukandi Damachi and Tayo Fashoyin quoted in Eddie Webster, 'The Alliance Under Stress: Governing in a Globalizing World,' in Roger Southall (ed) *Opposition and Democracy in South Africa* (London: Frank Cass Publishers, 2001), 268

Certainly, while the tendency of newly-independent governments was to subordinate unions to the greater interest of the 'nation', organised labour nevertheless did attempt to resist such subordination. This contention, while applicable to the present study, needs to be problematised given the dynamics and exigencies of organised labour movements and the post-independence political environment in which they operate. Indeed, the empirical findings demonstrate a more complex relationship between ruling parties and the union movement, even where the above observation applies.

In focusing on four Southern African countries cognisance needs to be taken of the "shared interest and intersubjective understanding" that 'regionness' creates.¹⁰ In so doing, the similarities and congruence of experience in each of the four countries is better conceptualised as "it is possible to identify a number of common empirical and socially constructed attributes within and across states and societies" in the region.¹¹ These attributes emerge as a result of a shared colonial history in which "large white settler populations, or at least settler interests, emerge directly from the region's unique history and represents a key feature of many of its states."¹² The duration of colonialism in the region was longer than elsewhere on the continent, and as a result, the struggle for liberation allowed for a deeper interconnectedness amongst the peoples and states of Southern Africa. In the postcolonial period, countries in the region are undergoing similar processes of political and economic reform, but are at different stages in this process. Essentially, this has led to contrasting trends in which the pressure for democracy and democratic governance is increasing, while poor state capacity for effective governance and a "lack of a democratic consensus" effectively "bedevils progress towards democratic governance. Coupled to this is the persistent development (read: underdevelopment) challenges faced by the region."¹³

It will become evident in the subsequent discussion that South Africa represents the closest example of a consolidating democracy. While meeting many of the 'procedural minima' required for consolidation, the labour movement displays a high

¹⁰ Sandra MacLean cited in Gretchen Bauer and Scott Taylor, *Politics in Southern Africa: State and Society in Transition* (Boulder: Lynne Rienner Publishers, 2005), 3

¹¹ Bauer and Taylor, 3

¹² Bauer and Taylor, 3-4

¹³ Chris Landsberg, 'Southern African Governance Ten Years After Apartheid' in Chris Landsberg and Shaun MacKay (eds.) *Southern Africa Post-Apartheid: The Search for Democratic Governance* (Cape Town: IDASA, 2004), 8 Also, Bauer and Taylor, 3-5

degree of autonomy and a tradition of a strong internal democratic culture. But the relationship between organised labour and the state has been complex and is complicated by its alliance with the ruling party. In contrast to South Africa, a weak Namibian trade union movement has largely been subordinated to the ruling party through formal affiliation. In an increasingly authoritarian political sphere, they have not been able to effectively mobilise to contest the state in the interests of their membership or broader civil society, and hence have constrained in their ability to promote democracy effectively. In Zimbabwe, a strong autonomous trade union movement began to challenge the rise of increasingly authoritarian state practices after independence. Building coalitions with broader civil society, trade unions provided the fillip for the creation of an opposition political party. However, increasingly coercive and repressive measures, combined with severe economic decline, have emasculated trade unions both organisationally and programmatically, and undermined their ability to restore democracy. Swaziland represents a unique case compared to the above. While undergoing a transition from colonial rule, the institution of an authoritarian constitutionalist monarchy mitigated attempts at the institution of democracy. While trade unions were discouraged, they were not prevented from emerging. Further, and given their historical support for opposition political formations, unions have spearheaded opposition to the monarchy. However, as in the case of Zimbabwe, continued repression has emasculated the trade union movement, and where they once experienced a 'golden age' of contestation to the Swazi state, they are now weakened to the extent that they no longer provide any credible alternative for opposition.

It is evident from this cursory overview that the experiences of trade unions in the cases under examination here do not provide a consistent example of the evolution of democracy as the basis for comparative analysis. That is not the objective of this enquiry. Acknowledging the congruence in historical experience, this study emphasises the unique conditions that trade unions need to negotiate in each country.

RESEARCH METHOD

Given the focus of this enquiry, the purpose of the research was exploratory and descriptive in nature. Indeed, to examine the ability of trade unions in consolidating,

restoring and promoting political democracy, the present analysis provides a detailed examination of the role of trade unions in the political sphere in South Africa, Namibia, Zimbabwe and Swaziland. Theoretically, the examination is informed by the role of civil society in the process of democratic consolidation in these four country case studies. The aim here is not specifically to examine the similarities and differences between the cases, but rather to provide a broad and overarching view of the complexities and processes that have characterised the political sphere after the transition to independence. It should be cautioned, that while these trends and themes relate to a broader postcolonial African political trajectory, generalisations of the findings here would detract from the nuance and dynamism that shape and direct the relationship between the state and civil society in the processes of consolidation, restoration and promotion of democracy.

Qualitative research methods were used here to extract a richer and deeper understanding of the nuanced and dynamic nature of political reform in Southern Africa. The project utilised both primary and secondary sources in the research design. To contextualise the findings, a range of secondary sources was analysed. This served two purposes. Firstly, it informed the broader historical and theoretical framework through which politics of civil society and trade unions in the process of democratisation could be analysed. Secondly, it allowed for the construction of an interview schedule that probed deeply important issues of trade union politics in each of the country's under consideration, and allowed the interviewer to explore more clearly the objectives of the study.

A separate interview schedule was designed for each of the cases here. The interview schedule for each addressed the following themes: the nature of democracy; the role of trade unions in the political sphere; the relationship between trade unions and the state; the impact of economic liberalisation; and the industrial relations environment. This allowed for a good measure of consistency in the focus of the analysis and served to ensure both the validity and reliability of the research conducted.

The interview schedule was composed of open-ended questions that permitted for more detailed understandings of the themes enumerated above. It also allowed the

interviewer to probe more deeply, where necessary, certain issues that were unclear or where clarification was necessary.

Fieldwork was conducted over a six week period in October and November 2005 in Windhoek, Namibia; Mbabane and Manzini, Swaziland; and Johannesburg and Cape Town, South Africa. In an interview with a prominent Zimbabwean academic and activist in Cape Town in August, the decision was taken not to conduct fieldwork in Zimbabwe. The sensitive nature of this research and the repressive political atmosphere in Zimbabwe could have called into question the safety of the researcher. Instead, interviews were conducted with exiled civil society organisations in Johannesburg. In the estimation of this researcher, these interviews did not provide a good insight into the present enquiry. As such, the data here was omitted from this project. Problems of reliability and validity therefore emerge in the study of Zimbabwe, but the extensive analysis of secondary source material serve to mitigate this.

Given the difficulty of securing interviews both in South Africa, Namibia and Swaziland, a purposive sampling method was used. In each of the countries, apart from Zimbabwe, in-depth interviews were conducted with trade union leaders and academics. In Namibia, interviews were conducted with the Deputy Minister of Trade and Industry; the leader of the opposition party, Congress of Democrats; and the former Prime Minister. A total of 23 interviews were conducted. Interviews aimed to take between 60-90 minutes but in most instances had to be tailored to the time set by the interviewee. As such, these interviews ranged from 30-45 minutes. Each interview was tape recorded and transcribed after the field trip. In all cases, participants provided consent for the interview and agreed to its use in both this and other research presented.

It is necessary to acknowledge certain methodological limitations and boundaries at the outset. The ability of trade unions to consolidate, promote and restore political democracy is berthed within a broader Africanist theoretical tendency to “consider the process of democratization as synonymous with the coming to life of civil society,”

thus 'caricaturing' its role in this process.¹⁴ This caricaturing is premised on 'mythologizing' the role of civil society in transitions from authoritarian rule, and given particular currency after the transitions in Eastern and Central Europe in the late 1980s. As such, the Africanist tendency to has been to "turn a concrete historical experience – of civil society in the West – into the basis of a general and prescriptive theory. It has turned democracy into a turnkey institutional import."¹⁵ While acknowledging this critique, civil society nevertheless *exists* in Africa, and the role of trade unions as important actors in the political and civil spheres, cannot be obviated. The brief historical analyses that commences each section aims to demonstrate the protracted engagement of trade unions in the process of political reform, and therefore that mitigates the 'caricaturing' of civil society and its 'coming to life' with the initiation of the process of democratisation.

A second limitation is also pertinent. Much of the analysis of civil society has placed *organisations* as constituting civil society. For Kasfir, this "restriction poses a problem for their analyses, because the issues raised in public life will inevitably be biased if the efforts of formal organisations are the only ones considered."¹⁶ He continues, that

[...] many analysts of civil society go even further and deliberately limit civil society not just to non-state organisations in public life, but to (1) specific kinds of organisations and (2) those which engage in organisational activity according to particular criteria. By definition, then, much, probably most, public associational life is excluded from civil society and thus from any proper analysis of the impact of civil society on the struggle for democracy and its consolidation.¹⁷

This dissertation is limited in its focus by placing trade unions as the subject of enquiry. It does not seek to provide an overarching consideration of civil society in the process of democratic consolidation, promotion and restoration in these countries. Instead, the specific focus is on a single constituent of a much larger formation. As

¹⁴ Mahmood Mamdani, 'A Critique of the State and Civil Society Paradigm in Africanist Studies,' in Mahmood Mamdani and Ernest Wamba-dia-Wamba (eds.) *African Studies in Social Movements and Democracy* (Dakar: CODESRIA, 1995) 603

¹⁵ Mahmood Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism* (London: James Currey, 1996), 295

¹⁶ Nelson Kasfir, 'The Conventional Notion of Civil Society: A Critique,' *Journal of Commonwealth and Comparative Politics*, 36,2 (1998), 5

¹⁷ Nelson Kasfir, 5

such, inferences to a general conclusion of the operation of civil society organisations should not be deduced. A further qualification is necessary. While the term 'trade unions' is used through this thesis, the main focus of this dissertation has been on the main trade union centres in each country. The rationale for this relates, on the one hand, to the historical role and contiguity of trade union centres in the political sphere especially in South Africa and Namibia, and on the other, to their importance as a more recently site of opposition in Zimbabwe and Swaziland. Practical considerations of funding, time and scope of the project also made a broader analysis of affiliates and other federations unfeasible.

The examination here reflects empirical findings the end of a definite period of time, the end-point of which is December 2005. Given the fluidity and flux of political change, subsequent developments in the political economy of each country have not been examined.

SCOPE AND ORGANISATION

This thesis is divided into three parts. Part I is further divided into three chapters. Chapter Two problematises the notions of 'democracy' and 'consolidation,' and argues for the need to conceptualise the former in minimalist terms. Essentially, before more attempts can be made to entrench maximalist prescriptions, the fundamental characteristics of democracy need to be entrenched. It is argued that consolidation needs to be understood as a multifaceted process in which there is broad and deep legitimation for democracy, to the exclusion of any other alternative. Chapter Three provides an examination of the development of 'civil society' and argues for its theoretical applicability to the process of democratisation in Africa. Here, a normative framework is posited for the means by which civil society can contribute to the consolidation, promotion and restoration of democracy. The state and civil society be seen as relational, rather than confrontational. Part I concludes with a general analysis of civil society in the Africa's political economy and provides a broad overview of the dynamics that trade unions have needed to negotiate post-independence epoch. While this analysis is instructive to informing the contours of political development, it does not provide a prescriptive model for the cases under consideration.

Part II, is divided into four chapters and provides a critical examination of the ability of trade unions to consolidate, promote and restore democracy in South Africa, Namibia, Zimbabwe and Swaziland. Tracing briefly the methods of apartheid regulatory control from which trade unions emerge, the analyses continues to show the role of trade unions within the political economy of each. Importantly, the nature of the relationship between ruling party and trade union centre provide an interesting 'aperture' through which the political role of trade unions may be viewed. In each case, both the capacities and limitations of operation of trade unions in the political sphere will be observed. It will be evident that despite the limitations of trade unions, they nevertheless remain fundamental actors in the process of democratisation.

Part III of this dissertation provides a concluding synthesis of the theory democratic consolidation with the empirical 'reality' of trade unions in each of the four countries. The conclusion further reflects on the both areas of consonance and dissonance between and within the four cases. It is pertinent to the overall analysis that as trade unions influence the direction of political change, the changing political context also impacts and influences the operation of trade unions in the political sphere.

PART I

THE THEORETICAL PREMISE

University of Cape Town

2.

PROBLEMATISING DEMOCRACY AND ITS CONSOLIDATION

CONCEPTUALISING DEMOCRACY

The machinery through which a government stays close to the people and the people close to the government will differ according to the history, the demographic distribution, the traditional culture (or cultures), and the prevailing international and economic environment in which it has to operate. For democracy means much more than voting on the basis of adult suffrage every few years; it means (among other things) an attitude of tolerance, and willingness to operate with others on terms of equality [...] The nation's Constitution must provide methods by which the people can, without recourse to violence, control the government, which emerges in accordance with it and even specify the means for its amendment.¹⁸

This quote by Julius Nyerere is highly illuminating when conceptualising the notion of democracy and democratic consolidation. Underlining important procedural features of democracy, namely voting and constitutional supremacy and therefore by implication, elections, the rule of law and accountable government, the quote also places due importance on historical specificity, political culture and the centrality of civil society acting as a counter-weight to state power. In Africa, and Southern Africa in particular, the entrenchment of a liberal democratic framework formed the basis of the transfer of power during independence settlements and has become the major orienting point for debates on democratic transition and consolidation.¹⁹

The notion of democracy is highly contested and definitions abound. As such, instead of limiting the scope of the analysis to a particular definition of democracy, it is analytically more useful to enumerate the fundamental characteristics that designate a political system as being classified as democratic. At its core, democracy signifies “governmental responsiveness to citizens on a continuing basis.”²⁰ Dahl has posited

¹⁸ Julius Nyerere quoted in Tukumbi Lumumba-Kasongo, ‘The Problematics of Liberal Democracy and Democratic Process: Lessons for Deconstructing and Building African Democracies’ in Tukumbi Lumumba-Kasongo (ed.) *Liberal democracy and its Critics in Africa: Political Dysfunction and the Struggle for Social Progress* (London: Zed Books, 2005), 11

¹⁹ Lloyd Sachikonye, ‘Democracy and Economic Reform in Southern Africa,’ Paper presented at the *International Conference on Human Rights in Zimbabwe*, University of Zimbabwe, September 1996, 3
See also for example, Lumumba-Kasongo (2005), 11-13

²⁰ John Harbeson, ‘Rethinking Democratic Transitions: Lessons from Eastern and Southern Africa,’ in Richard Joseph (ed) *State, Conflict and Democracy in Africa* (Boulder: Lynne Rienner, 1999), 40

three important conditions to allow for this, namely, that citizens have the opportunity to: develop preferences; to “signify their preferences to their fellow citizens and the government by individual and collective action;” and that these preferences be “weighted equally in the conduct of government.”²¹ The exercise of these preferences is premised the existence of three further conditions in the political sphere. Firstly, that there is the existence of competition among individuals and groups to contest free and fair elections; secondly, that there is a considerable level of free political participation; and thirdly that there is a guarantee of political and civil liberties.²² As evidenced from the above, minimalist conceptions of democracy, in addition to prescribing civil and political rights, in essence is concerned with “how leadership should be designated at the highest national level in a polity,” by placing considerable significance of the exercise of free and fair elections.²³

Democracy, or what Dahl has called ‘polyarchy, is thus premised on political pluralism which, institutionally and procedurally, indicates a political system that is based on multi-partyism, regular free and fair elections centred on universal suffrage, the separation of powers, the protection of civil and political liberties and the guarantee of the rule of law by an independent judiciary. Furthermore, citizens have numerous and constant channels “for expression and representation of their interests and values; protected freedoms of speech, association and the like; equality under the law; and individual and group rights.”²⁴ The supremacy afforded to the constitution

²¹ Robert Dahl, *Polyarchy: Participation and Opposition* (New Haven: Yale University Press, 1971), 3

²² It is important to note that Dahl ascribes eight elements to polyarchy – (1) elected officials; (2) free and fair elections; (3) inclusive suffrage; (4) the right to run for office; (5) freedom of expression; (6) alternative information; (7) associational autonomy; (8) institutions for making government policies depend on votes and other expressions of preference”. See Dahl, 3-20 and Lise Rakner, *Trade Unions in the Process of Democratisation: A Study of Party- Labour Relations in Zambia* (Bergen: Michelsen Institute, 1992), 20

²³ Seymour Martin Lipset and Jason Lakin, *The Democratic Century* (Norman: University of Oklahoma Press, 2004), 19. It is interesting to note that Lipset and Lakin regard Dahl’s notion of polyarchy as maximalist for prescribing political and civil liberties. Africanists and African scholars are more inclined to view the absence of social and economic considerations in definitions of democracy as subscribing to a minimalist definition. Lipset and Lakin’s minimal definition of democracy is, “[A]n institutional arrangement in which all adult individuals have the power to vote, through free and fair competitive elections, for their chief executive and national legislature. See Lipset and Lakin, 19

²⁴ Larry Diamond, *Developing Democracy: Towards Consolidation* (Baltimore: Johns Hopkins University Press, 1999), 11-12. One distinction between the precepts of liberal democracy and polyarchy, is that the latter is not explicit about the presence or absence of a written constitution. See Guillermo O’Donnell, ‘Illusions about Consolidation’ in Larry Diamond, Marc Plattner; Yun-han Chu and Hung-mao Tien (eds.) *Consolidating the Third Wave Democracies: Themes and Perspectives* (Baltimore: John Hopkins University Press, 1997), 40-57

and the checks and balances placed on the exercise of power are further components to an understanding of democracy.²⁵ Operating within the framework of the state, there emerges a tension between the notion of statehood and democracy. Indeed, as Nolutshungu argues,

[T]he central problem of statehood is authority: the capacity of the state and those who control it to secure compliance and obedience without constant recourse to threats and physical coercion. The central problem of democracy in consent: the extension of submission to authority to a relationship between state and individuals, which bases authority upon the 'will of the people' in some observable way, such as through free and fair electoral procedures. That involves the reciprocal recognition of a system of rights, and obligations (between rulers and the ruled, among the rulers and among the ruled), which are embodied in institutions and procedures broadly regarded as upholding these procedures.²⁶

This quote is highly instructive given the focus of enquiry in this thesis. Indeed, at one level, the examination here aims to provide an analysis of the extent to which trade unions have been able to reconcile this tension in the entrenchment of democracy.

The prominence and proliferation of the basic characteristics of democracy enumerated above, in shaping the contours of the post-independence environment in Africa and Southern Africa in particular, have allowed for it to become the standard against which democracy is gauged in each political system. But ascription to such 'minimalist' conceptions of democracy has been problematic. Indeed, taking these characteristics into account, minimalist definitions of democracy subscribe essentially and "primarily to political pluralism based on constitutional arrangements," while more 'maximalist' or 'popular dimensions' of the concept is obscured from the mainstream literature.

Inasmuch, it is acknowledged that "western liberal democracy has become a major reference point" for debates on democracy in transition societies, and critics have argued for a richer conception of democracy in Africa, which "should not take the

²⁵ Diamond, *Developing Democracy: Towards Consolidation*, 12

²⁶ Nolutshungu quoted in Gavin Williams, *Fragments of Democracy: Nationalism, Development and the State in Africa* (Cape Town: HSRC Publishers, 2003), 2

imaginary models of Western exemplars as authoritative comparators.”²⁷ Criticism of liberal democracy holds that,

[...] democracy requires more than the maintenance of formal ‘liberties’ [...] Without substantial reforms and redistribution of economic assets, representative institutions – no matter how ‘democratic’ in form – will simply mirror undemocratic power relations of society. Democracy requires a change in the balance of forces.²⁸

Further to this, there is a tendency in criticism of liberal democracy to equate it with capitalist democracy – and therefore juxtaposing the development of the core principles of the market in the political sphere. In essence, this criticism has centred on the fact that ‘[C]apitalist democracy is presented as the political system most supportive of economic growth but this prescription is basically an orthodoxy of hegemonic power holders.’²⁹ Critiquing the hegemony intrinsic of liberal conventions of democracy, Mamdani has noted that the essence of democracy is a multi-party system with free and fair elections, which while important, are meaningful only to a minority. He continues, “[N]ot only does [such a conception of democracy] leave out of consideration the largest section of society, the bulk of its producers of wealth, the peasantry; the resulting political competition is also limited to an arena defined by the demands of the bourgeoisie.”³⁰ Moreover, when primacy is given to free and fair elections in defining democracy, little expression is given to the “content [of] democratic processes [that] involve the popular masses in politics from below.”³¹

In a more radical assessment, Beckman argues that “[T]he radical case against liberal democracy is reinforced by the way the propagation of democracy is married to foreign economic and political penetration. The current transnational neo-liberal economic offensive to open up Africa for the ‘market forces’ seeks to claim in the face of strong popular opposition, that Africa is being prepared for democracy.”³²

²⁷ Adebayo Olukoshi cited in Williams, 3-4

²⁸ Barry Gills and Joel Rocamora quoted in Lloyd Sachikonye, ‘Democracy, Civil Society and Social Movements: An Analytical Framework’ in Lloyd Sachikonye (ed.) *Democracy, Civil Society and the State: Social Movements in Southern Africa* (Harare: SAPES Books, 1995), 3

²⁹ Sachikonye, ‘Democracy, Civil Society and Social Movements: An Analytical Framework,’ 4

³⁰ Mahmood Mamdani, referring to the case of Uganda but nevertheless important for present purposes, quoted in Bjorn Beckman, ‘Whose Democracy? Bourgeoisie versus Popular Democracy’, *Review of African Political Economy*, 45/46 (1989), 86

³¹ Peter Anyan’ Nyong’o in Beckman, Whose Democracy? Bourgeoisie versus Popular Democracy,’ 86

³² Beckman, Whose Democracy? Bourgeoisie versus Popular Democracy,’ 91

The sub-text to these statements is illuminating in assessing the role of popular forces in the political sphere. While there is agreement that the popular masses have been marginalised by the processes and intrinsic qualities of liberal democracy, they nevertheless play an important role in contesting the hegemony of the elite in pushing for inclusion within the democratic space. Indeed, it is therefore necessary “for African societies to become yet more democratic, for pro-democracy movements to base themselves more thoroughly upon civil society, trade unions and human rights groups and so on to force through a more thorough-going reformulation of the state.”³³

As such, the prospect of a ‘popular’ conception of democracy may provide the ‘missing alternative’ in the discourse on democracy.³⁴ However, as Shivji notes,

The popular [perspective on democracy] remains most undefined. It opposes both statist and liberal in their typically top-down orientation by emphasising popular struggles and mass movements from below. It challenges the universality of liberal values and authoritarianism of statist positions.³⁵

He continues arguing further that,

As an ideology of resistance and struggle ... [its] exact contours and forms of existence can only be determined in actual social struggles in given, concrete social conditions. Yes, at the minimum, it has to be an ideology which articulates anti-imperialism and anti-compradore-state positions.³⁶

While, for Shivji popular democracy suffers from a lack of definition, Saul contends that it is possible already to identify practices that best epitomise the potential for the development of a popular democracy. The popular interpretation rests on the concept of civil society, which despite being an ambivalent concept, has come to “encapsulate the claims of broader publics and wider range of interests.”³⁷ As such, ‘strong democracy’ is premised on “consensus, community, and a sense of the ‘public realm’

³³ Roger Southall, ‘Democratisation Perspectives in Africa,’ Paper presented at the international conference on *Re-conceptualising Democracy and Liberation in Southern Africa*, Windhoek, Namibia, July, 2002, 8

³⁴ Saul, 79

³⁵ Issa Shivji quoted in John Saul, *The Next Liberation Struggle: Capitalism, Socialism and Democracy in Southern Africa* (Scottsville: University of Kwazulu Natal Press, 2005),79

³⁶ Shivji quoted in Saul, 79

³⁷ Saul, 80. A more detailed discussion of this ambiguity follows in the following section.

[...] won through political interaction, not imposed from above.”³⁸ Aware that this democracy is under threat of national neo-liberal economic processes, the challenge remains to “make government our own” through a “recasting of our ‘civic attitudes’ “which is only possible “in a vibrant civil society where responsibilities and rights are joined together in a seamless web of community self-government.”³⁹ As will be demonstrated in the discussion below, this sentiment is pertinent in the study of democracy in Southern Africa as,

there is a shared sense that it is *genuine popular empowerment* that must be struggled for in the name of democracy [...] the bases of such empowerment can never be taken for granted: they must continue to be built painstakingly – conceived, renewed, struggled for, given institutional form – from the bottom up. There is no short cut to popular democracy, nor is there any elite pact or refined constitutional dispensation that can guarantee it, however important these accomplishments can sometimes be in opening up space for the pursuit of a more deep-cutting process of democratisation.⁴⁰

The analysis and sentiment expressed here form an important part of the method by which democracy needs to be conceptualised in Southern Africa, and moreover, is central to the means by which trade unions can position themselves to restore, promote and consolidate democracy in the countries under consideration here. In the present analysis, the notion of popular democracy is premised on Pateman’s theory of ‘participation’ within the democratic sphere, and it is argued that “individuals and institutions cannot be considered in isolation from one another.”⁴¹ Participation theory is based on the understanding that participation has a broadly ‘educative’ function – that is, it includes psychological aspects, and important for the present purpose, that the *practice* of democratic skills and procedures may be developed at the level of socialisation or ‘social training.’⁴² At the centre of this level of socialisation and ‘social training’ is industry, for as Pateman posits, “most individuals spend a great deal of their lifetime at work and the business of the workplace [...] and it is that such spheres as industry should be seen as political systems in their own right, offering

³⁸Note here that there is a distinction between ‘strong’ democracy and ‘unitary’ democracy which is closer to a “kind of ‘statist’ formulation of ‘authoritarian quasi-democracy’”, Issa Shivji quoted in Saul, 80-81

³⁹ Benjamin Barber quoted in Saul, 81

⁴⁰ Saul, 81

⁴¹ Carol Pateman, *Participation and Democratic Theory* (London: Cambridge University Press, 1970),

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⁴² Pateman, 42

areas of participation additional to the national level.”⁴³ The justification for a democratic system on the participatory theory of democracy is premised on,

[T]he human results that accrue from the participatory process. One might characterise the participatory model as one where maximum input (participation) is required and where output includes not just policies (decisions) but also the development of social and political capacities of each individual, that that there is ‘feedback’ from output to input.⁴⁴

Thus, the popular conception of democracy rests on a participatory foundation which allows for greater citizen action and empowerment. Accepting Pateman’s contention that industry is a primary site of participatory socialisation as it foments the necessary psychological qualities required at the national level, trade unions, as the prime representative of worker interests, therefore are important agents in the process of fostering these psychological attitudes. Pateman acknowledges further that participation is self-reinforcing in that it develops and promotes the “very qualities necessary for it; the more individuals participate the better able they become to do so [...] and thus, for a democratic polity to exist, it is necessary for a participatory society to exist i.e. a society where all political systems have been democratised and socialisation through participation can take place in all areas.”⁴⁵ The analysis below conjoins the problems experienced by trade unions in the national sphere with industry level problems, and in so doing, both affirms and critiques Pateman’s central thesis. Trade unions, despite internal pressures and tensions, remain important actors in socialising workers to participation at the industry and national level. But these pressures and tensions, together with a regression of democracy at the political level, create a ‘perverse’ participation, where undemocratic (and even anti-democratic) practices hinder the promotion and consolidation of democracy. This will be returned to below.

While the theory of participation is relevant in conceptualising trade unions as ‘laboratories for democratic learning,’ by placing emphasis on the psychological and attitudinal bases of democratic development, the present study does not explicitly

⁴³ Pateman, 43

⁴⁴ Pateman, 43

⁴⁵ Pateman, 42-43

examine these bases.⁴⁶ Rather, an analysis is provided on the internal constraints of the operation of trade unions within the political realm, which serves to provide an insight into the ability of trade unions to foster democratic norms and practices.

In examining the notion of democracy thus far, the discussion has juxtaposed and problematised the concept of liberal and participatory/popular democracy. While the discussion above has acknowledged the critique of liberal democracy for its minimalism, it is precisely this minimalism which provides its enduring capacity to gauge the extent to which democracy is being upheld, promoted and consolidated in the four countries under consideration here. In essence, and following the reasoning of Heller, liberal democracy contains at its core the guarantee of civil and political liberties as well as the “principle of representation which in turn guarantees the citizens their *basic* political rights.”⁴⁷ And this is the rub of the matter. While popular/participatory democracy provides a more normative conception of the citizenry in democracy, it is nevertheless underpinned by a polity in which basic rights are foundational, and thus, without ensuring firstly that these basic rights are strictly entrenched and adhered to, more maximalist conceptions of democracy are problematic when consideration is given to its promotion and consolidation. Echoing this contention, Howard posits that,

The economic right to development cannot be effectively implemented unless those affected development policy have the chance to influence decisions and criticise results. The centralisation of power into the hands of a ruling class cannot be challenged by ordinary peasants, workers, women, unless they have the right to freedom of expression and association and can express their views in an organised manner.⁴⁸

But this sentiment requires qualification particularly when regard is given to the case studies here. As will be further demonstrated below, civil society and trade unions in particular contributed to the transition from authoritarianism through their participation in the political sphere. After this transition, civil society was not precluded from participation. Indeed, there was the protection of civil and political

⁴⁶ The idea of ‘laboratories of learning’ is borrowed from Liv Torres, *Amandla. Ngawethu: The Trade Union Movement in South Africa and Political Change* (Oslo: FAFO Institute for Applied Social Science, 2000)

⁴⁷ Agnes Heller cited in Rakner, 20-21, author emphasis

⁴⁸ Howard quoted in Rakner, 21

liberties which ensured some measure of popular participation. Rather, what emerges is the assertion of the hegemony of the state which served to narrow the operation of civil society and reduce, even eliminate, the scope of civil and political rights. Given the temporal focus of this thesis, civil society has had to negotiate this hegemony and thus attempt to consolidate, promote and restore the minimal conditions of democracy before *genuine* popular empowerment can be achieved.

The discussion now turns to a brief analysis of the transition to democracy and the conditions for its consolidation. The aim here is to provide the context in which the process of transition may be better understood, and as such, provide a more holistic grounding upon which an assessment of consolidation may be entered.

TRANSITIONS TO DEMOCRACY AND CONDITIONS FOR CONSOLIDATION

The process of democratisation eventuates as two transitions – first, it is the transition from authoritarianism to democratic government, and second, is the transition from “this government to the consolidation of democracy, or in other words, to the *effective functioning of a democratic regime*.”⁴⁹ For the purposes of the present study, the focus is on the period after the first transition. Indeed, as analysts have noted, the “strategic problem” facing democratisers is avoiding regression, while at the same time, driving the process towards democratic consolidation.⁵⁰ O’Donnell posits two means by which regression may occur, namely through ‘sudden death,’ exemplified by a military coup, or a ‘slow death’ “in which there is a progressive diminution of existing spaces for the exercise of civilian power and the effectiveness of the classical guarantees of liberal constitutionalism.”⁵¹ As the case studies will demonstrate, each of the four countries rank differently between regression and consolidation, and while some may be beginning to experience features of a ‘slow death’, others have regressed significantly back to authoritarianism.

⁴⁹ Guillermo O’Donnell, ‘Transitions, Continuities and Paradoxes,’ in Scott Mainwaring, Guillermo O’Donnell and J. Samuel Valenzuela (eds.) *Issues in Democratic Consolidation* (Notre Dame: University of Notre Dame Press, 1992), 18, author emphasis

⁵⁰ O’Donnell, ‘Transitions, Continuities and Paradoxes,’ 19

⁵¹ O’Donnell, ‘Transitions, Continuities and Paradoxes.’ 19

The practice of entrenching and constructing democracy is underscored by the proliferation of democratic beliefs and practices in the political sphere. O'Donnell, in augmenting Pateman's contention above, argues that

The acquisition of democratic beliefs and attitudes seems to be contagious: if we practice them in certain types of activities, it is likely we will extend them to others and/or support those who attempt to do so. The emergence of a rich social fabric of institutions and of patterns of democratic (or at least, nondespotic and nonarchaic) authority is facilitated by the guarantees and freedoms typical of political democracy; on the other hand, the consolidation of democracy is greatly assisted by the progressive (although not linear) expansion of that fabric [...] *this teaches us that the only way to further the process of democratic construction is the practice democracy in the political sphere* – and at the very least – to fight against despotic patterns of authority at all levels of society.⁵²

Further to the emergence of this 'rich social fabric of institutions', democratic authority, and the practice of political democracy, O'Donnell argues that the 'advance' toward the consolidation of democracy requires the 'neutralisation' of overtly authoritarian tendencies through isolation or fragmentation into 'sects' which will not threaten the regime's survival. In addition, is the need to promote practices which are necessary to the functioning of democracy coupled with an increase in 'impact' representation, in which *democrats* have the majority in the electoral sphere, and which will become a "critical locus of decision making as regards the important issues facing the nation."⁵³ Gauging this final consideration may prove difficult if due thought is not given to the nature and trend of Africa's post-colonial party and electoral systems. With a preponderance of dominant party regimes in Southern Africa, who *exactly* these 'democrats' are, and how 'democratic' they really are, is open to contestation. This issue will be further explored in the concluding section of this chapter.

Democratic actors are not homogenous but plural, and are open to competition between and amongst themselves. However, during the movement from transition to consolidation, the threat of an authoritarian 'surge' in wresting control and fomenting a democratic regression allows for democratic actors to "subordinate their strategies (including competition among themselves) to the imperative of not facilitating a

⁵² O'Donnell, 'Transitions, Continuities and Paradoxes,' 20; author emphasis

⁵³ O'Donnell, 'Transitions, Continuities and Paradoxes,' 22, author emphasis.

return to authoritarianism.”⁵⁴ By minimising (even nullifying) conflict between themselves through mutual agreement, these actors essentially enter into a pact of a political nature, for what may be seen as ‘the greater good.’ Like the ambivalence associated with ‘who is democratic’ discussed above, a similar ambiguity exists over what *precisely* this notion of ‘the greater good’ may encapsulate.

‘Consolidation’ is used in this thesis to represent the ideal-type end point of the dual process of democratisation. Its utility is premised on its ability to provide the necessary and essential requirements for democracy to be entrenched and deepened. Inasmuch, it also allows for an assessment of the extent to which democratic regression has occurred. Consolidated democracies, according to O’Donnell, exhibit the following main features: first, there is the existence of democracy (or polyarchy) where the threat of authoritarian regression – whether sudden or slow – is not a concern for democratic actors, and therefore, their decisions are not subordinated to such a concern; second, where both social and political actors with control of power resources “habitually subject their interrelations to the institutions specific to political democracy by means of practices compatible with the reproduction of these institutions”; third, the “habitual nature” of these practices and the “strengthening of these institutions” are able to sustain the “procedural consensus” and “promote uncertain outcomes; fourth, these political relationships are marked by increasing stability and such democratic relations proliferate into other arenas of social life.”⁵⁵

For the present study, these conditions confirm that the consolidation of democracy is a “multifaceted process by which democratic structures, norms and regime-civil society relationships are firmly established.”⁵⁶ Important for the present purposes, this conception of consolidation emphasises the relationship between governing institutions and civil society, and where consolidation emerges from the “stable representational relationships between the government institutions that have just been set up, the emergent intermediary structures, and civil society itself.”⁵⁷ Democratic consolidation is also premised on the idea of “institutionalised uncertainty in certain

⁵⁴ O’Donnell, ‘Transitions, Continuities and Paradoxes,’ 22

⁵⁵ O’Donnell, ‘Transitions, Continuities and Paradoxes,’ 48-49

⁵⁶ Leonardo Morlino, *Democracy between Consolidation and Crisis: Parties, Groups and Citizens in Southern Europe* (New York: Oxford University Press, 1998), 14

⁵⁷ Morlino, 14

roles and policy areas.”⁵⁸ However, this uncertainty is limited as “competition to occupy office and/or to exercise influence will be fair and circumscribed to a predictable range of outcomes.”⁵⁹ Indeed, uncertainty is an important feature of democracy. As Przeworski notes,

The process of establishing democracy is a process of institutionalising uncertainty, of subjecting all interests to uncertainty [...] In a democracy, no group is able to intervene when outcomes of conflicts violate their self-perceived interests. Democracy means that all groups must subject their interests to uncertainty.⁶⁰

Fundamentally, the necessity for this uncertainty is also bounded by the fact that competition exists and operates in a political space in which democracy is seen as the “only game in town.”⁶¹ The entrenchment of this ‘democratic mindset’ is defined according to three categories for Linz and Stepan: behaviourally (when no “significant national, social, economic, political or institutional actors” attempt to create a non democratic regime); attitudinally (“when majority public opinion holds that democratic institutions and procedures are the most appropriate to govern collective life”) and constitutionally (when governmental and nongovernmental forces become “subjected to, and habituated to, the resolution of conflict within the specific laws, procedures, and institutions sanctioned by the new democratic process”).⁶²

Central to being conceived as the ‘only game in town’, and underscoring the attitudinal features specifically, consolidation is based on the “process of achieving broad and deep legitimation, such that all significant political actors, at both elite and mass levels, believe that the democratic regime is the most right and appropriate for their society, better than any other realistic alternative.”⁶³ Where this legitimation is

⁵⁸ Phillippe Schmitter, ‘Interest Systems and the Consolidation of Democracy’ in Gary Marks and Larry Diamond (eds.) *Reexamining Democracy: Essays in Honour of Seymour Martin Lipset* (Newbury Park: Sage Publications, 1992), 158

⁵⁹ Phillippe Schmitter, ‘Interest Systems and the Consolidation of Democracy,’ 158

⁶⁰ Adam Przeworski, ‘Some Problems in the Study of the Transition to Democracy’ in Guillermo O’Donnell, Phillippe Schmitter and Laurence Whitehead (eds.), *Transitions from Authoritarian Rule: Comparative Perspectives*, (Baltimore: Johns Hopkins University Press, 1986), 58

⁶¹ Linz and Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America and Post-Communist Europe*, 5

⁶² Linz and Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America and Post-Communist Europe*, 6

⁶³ Diamond, *Developing Democracy: Towards Consolidation*, 65

weak, or its opposite, *delegitimation* prevalent, the prospect for consolidation is precarious.⁶⁴

While the legitimacy of a democracy (and the democratic regime) are imbued with being the ‘most right’ and ‘most appropriate,’ it is important to note however that the quality and extent of consolidation within democracies vary, and despite satisfying the requirements of the definitional categories above, the threat of a ‘breakdown’ is not precluded.⁶⁵ A further caveat, proffered by Morlino, concerns the different rate or speed at which consolidation progresses. It is possible that as “democratic installation may take place gradually and at different rates, the process of consolidation may not begin at the same time within the different components of the regime.”⁶⁶ Indeed, it is possible that certain aspects of consolidation happen later, and result simply “because of the passing of time,” but the “core of the process takes place right after installation, although at different moments and rates.”⁶⁷

Procedurally, (consolidated) democracies need to exhibit three basic criteria. First, governments need to be formed through competitive elections, free from coercion and fraud, and with the prospect of allowing for an alternation of power (even when no alternation has occurred). Second, there needs to be broad adult citizenship and finally, there needs to be a protection of minority rights and respect for basic civil liberties, including freedom of association, freedom of speech and freedom of press.⁶⁸ In the literature on consolidation, the first procedural criteria, free and fair elections, have garnered significant reflection and comment and has become the overriding feature in determining the existence of democracy. Further, O’Donnell has argued that democracies “are such because of a simple but crucial fact: elections are institutionalised.”⁶⁹ It is argued that elections are institutionalised once the surrounding conditions are free, and perform the following functions – it best

⁶⁴ Morlino, 26-27

⁶⁵ Linz and Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America and Post-Communist Europe*, 6

⁶⁶ Morlino, 13

⁶⁷ Morlino, 13-14

⁶⁸ Scott Mainwaring, ‘Transitions to Democracy and Democratic Consolidation: Theoretical and Comparative Issues’ in Scott Mainwaring, Guillermo O’Donnell and J. Samuel Valenzuela (eds.) *Issues in Democratic Consolidation: The New South American Democracies in Comparative Perspective* (Notre Dame: University of Notre Dame Press, 1992), 296

⁶⁹ Guillermo O’Donnell quoted in Diamond, *Developing Democracy: Towards Consolidation*, 14

represents direct participation of citizens in the governance process; citizens have the opportunity to exercise their right to vote out non-performing rulers, which thus has the effect of promoting and institutionalising “competition, participation and accountability”; and inculcates a broad sense of legitimacy in the democratic system by assuring participation, competition and “acceptance of electoral outcomes.”⁷⁰

While free and fair elections are important hallmarks of a functioning and consolidated democracy, Linz and Stepan offer “five interacting arenas” which “reinforce one another in order for consolidation to exist.”⁷¹ Importantly for the present purpose, conditions need to exist for the development of a “free and lively civil society”; a distinct political society; the rule of law “to ensure legal guarantees for citizens’ freedoms and independent associational life; a state bureaucracy that can be utilised by the democratic government;” and an “institutionalised economic society.”⁷² The discussion will focus on the first arena subsequently, given the focus on civil society in this thesis. Regarding the second arena, the necessity of political society lies its construction as space in which “the polity specifically arranges itself to contest the legitimate right to exercise control over public power and the state apparatus.”⁷³ Similarly political society, while maintaining its distinctiveness, complements civil society and it would be fallacious to view the relationship between them as inimical. While the role of civil society in the consolidation of democracy cannot be disputed, such consolidation also requires parties whose purpose it is “to aggregate and represent *differences* between democrats,” thereby ‘habituating’ norms and procedures of conflict mediation and regulation to be developed.⁷⁴ Unlike civil society however, political society aims to compete for state power through the use of

⁷⁰ Eghosa Osaghae, ‘Making Democracy Work in Africa: From the Institutional to the Substantive,’ Paper presented at the *Africa Conference on Elections Democracy and Governance*, Pretoria, South Africa, April 2003, 7. Also, Richard Sandbrook, ‘Transitions Without Consolidation: Democratization in Six African Cases,’ *Third World Quarterly*, 17,1 (1996), 1-17

⁷¹ Linz and Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America and Post-Communist Europe*, 7

⁷² Linz and Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America and Post-Communist Europe*, 7

⁷³ Linz and Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America and Post-Communist Europe*, 8

⁷⁴ This proposition utilises Dankwart Rustow’s notion of ‘habituation,’ which like legitimation, eventuates when the “norms, procedures and expectations of democracy become so internalised that actors routinely, instinctively conform to the written (and unwritten) rules of the game, even when they conflict and compete intensely.” See Diamond, *Developing Democracy: Towards Consolidation*, 65; and Rakner, 20 for more on this. Also, Linz and Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America and Post-Communist Europe*, 10, italics in original

its institutions. The independence of civil and political society is premised on and supported by the rule of law, embodied in a “spirit of constitutionalism.”⁷⁵ For this, there needs to be a strong consensus over the supremacy of the constitution and a “clear hierarchy of laws, interpreted by an independent judicial system and supported by a strong legal culture in civil society.”⁷⁶ It is argued further that these three arenas are likely to be satisfied (and endure) if there is a functioning bureaucracy that is able to be used by democratic rulers. The fulfilment and guarantee of citizen rights require a functioning bureaucracy and enhanced state capacity. The final “interacting arena” regards the economy, or what Linz and Stepan have called ‘economic society’ premised on the *idea* of “market autonomy and ownership diversity,” but rejecting the notion of a command economy or a pure market economy, in favour of a socially and politically regulated market.⁷⁷

In considering these five ‘interacting arenas,’ cognisance needs to be taken of a further highly important factor, that of ‘stateness’, for democracy is not possible, without a state. Recalling Max Weber’s articulation of the central features of a state, it is posited that,

The primary formal characteristics of the modern state are as follows: It possesses an administrative legal order subject to change by legislation, to which the organised corporate activity of the administrative staff, which is also regulated by legislation, is oriented. This system of order claims binding authority, not only over the members of the state, the citizens, most of whom have obtained membership by birth, but also to a very large extent, over all action taking place in the area of its jurisdiction. It is thus a compulsory association with a territorial basis. Furthermore, today, the use of force is regarded as legitimate only as far as it is either permitted by the state or prescribed by it ... The claim of the modern state to monopolize the use of force is as essential to it as its character of compulsory jurisdiction and of continuous organization.⁷⁸

Thus, without an orienting framework akin to these features of a state, no democratic governance can exist. The state, in the characterisation above, shares with the theory

⁷⁵ Linz and Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America and Post-Communist Europe*, 10

⁷⁶ Linz and Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America and Post-Communist Europe*, 10

⁷⁷ Linz and Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America and Post-Communist Europe*, 11

⁷⁸ Max Weber quoted in Linz and Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America and Post-Communist Europe*, 17

of consolidation the idea of the restraint on power. Diamond argues that consolidation not only involves “agreement on the rules for competing for power but also fundamental and self-enforcing restraints on the exercise of power.”⁷⁹ Within this conception of the state and Linz and Stepan’s emphasis on the rule of law, the guiding mechanism for this restraint on power emerges through the “coordinating mechanism of a constitution,” in which the defence of a constitution requires the protection of “constitutional norms, limits and procedures against subversion and encroachment.”⁸⁰ Returning to the idea of uncertainty, Mainwaring observes that constitutions purposefully reduce uncertainty and “promote mutual security.”⁸¹ It is argued that

Constitutions have a significant impact on the logic of actors in consolidated democracies: actors structure their behaviour according to the rules of the game, and over time they form political identities in relation to those rules. In short, formalization of the rules of the game, the difficulties of changing some of the most important rules once they have been established, and the tendency of the strongest parties to stick to rules that have done them well mean that it takes more than a majority to overturn some past decisions [...]⁸²

In most democracies the ability to change constitutions is a difficult process given the need for temporary or qualified majorities (that is, a specified percentage more than an absolute majority) and this reduces the possibility of uncertainty by circumscribing the result to a (largely) predictable outcome. As the empirical findings will show, there is dissonance between the theoretical contention here, and actual political practice. Certainly, while this is not the case in all countries, in Zimbabwe and Swaziland, constitutions and constitution-making are important sites of political struggle.

THREATS TO THE CONSOLIDATION OF DEMOCRACY

The discussion thus far has outlined the prime features and characteristics for the consolidation of democracy. It is acknowledged that this discussion has also ‘idealised’ somewhat the necessary conditions for consolidation – certainly, while these features are essential conditions for the durability of the democratic regime, it

⁷⁹ Diamond, *Developing Democracy: Towards Consolidation*, 70

⁸⁰ Diamond, *Developing Democracy: Towards Consolidation*, 70

⁸¹ Mainwaring, 314

⁸² Mainwaring, 314

“does not provide in itself an adequate basis to ground the notion of consolidation.”⁸³ As noted above, consolidated democracies are not free from breakdown and from threats of destabilisation, for as Valenzuela notes, “they [consolidated democracies] may be vulnerable to the very perception of their solidity by democratic elites that take the existence of democratic institutions for granted, even in situations of crisis, and therefore do not reach the necessary accommodations to prevent their demise.”⁸⁴ Moreover, discussions on democratic consolidation have either an explicit or implicit definition of what democracy is, and “analysts are not predisposed to assigning the ‘consolidated democracy’ label to a political system that does not meet all of their criteria for what a democracy should be [...] Even long established democracies rarely have all the attributes than can ideally be associated with such regimes.”⁸⁵ Given this, and importantly for the purposes of this thesis, the question that needs to be asked, is: what standards can be imposed on democracies that are consolidating, when consolidated democracies are not without problems?

The answer lies in ascribing a minimalist conception of democracy to the discourse of consolidation. The requirements for operation of democracy, listed above, place emphasis on the formal and procedural features of democracy rather than on substantive or social considerations. Further to this, cognisance needs to be taken of the “development of institutionalization, the skeletal outlines of which are generally formally established.”⁸⁶ Valenzuela posits that,

This democratic institutional edifice permits, even fosters and shapes, the development of organisations, such as parties, interest groups, and lobbies, and a mass media through which a variety of opinions can be expressed, all of which articulate and channel societal political demands [...].⁸⁷

⁸³ J. Samuel Valenzuela, ‘Democratic Consolidation in Post-Transitional Settings: Notion, Process and Facilitating Conditions’ in Scott Mainwaring, Guillermo O’Donnell and J. Samuel Valenzuela (eds.) *Issues in Democratic Consolidation: The New South American Democracies in Comparative Perspective* (Notre Dame: University of Notre Dame Press, 1992), 59

⁸⁴ Valenzuela, *Democratic Consolidation in Post-Transitional Settings: Notion, Process and Facilitating Conditions*, 59

⁸⁵ Valenzuela, *Democratic Consolidation in Post-Transitional Settings: Notion, Process and Facilitating Conditions*, 59-60

⁸⁶ Valenzuela, *Democratic Consolidation in Post-Transitional Settings: Notion, Process and Facilitating Conditions*, 61. Valenzuela notes that these include the separation of powers, the rules for conducting elections or streamlining the legislative process.

⁸⁷ Valenzuela, *Democratic Consolidation in Post-Transitional Settings: Notion, Process and Facilitating Conditions*, 61-62

This *virtuous* institutionalisation which allows for continuance of the minimal prerequisites of democracy, is not sufficiently conceived to “hinge the consolidation label on” for if it did, it would merely repeat the ‘idealising’ of certain requirements to which consolidation can be linked.⁸⁸ Accepting the centrality of institutions – both formal and informal – for the working of democracy, Valenzuela argues for an inverse reflection, that is, that the focus should be on institutions that undermine the working of democracy, in what he calls *perverse* institutionalisation.⁸⁹ Here, a consolidated democracy would be one in which these perversities are not present.

Four such perversities threaten the consolidation of democracy. First, is the existence of non-democratically created tutelary powers, where those who win “government forming elections are placed in state power and policy-making positions that are subordinated in this manner to those of non-elected elites.”⁹⁰ Second, is the ‘reserved domains’ of authority and policy making, in which particular areas of governmental authority and (substantive) policy making are removed from government oversight. The third and fourth perversities are more apt for the current examination. Major “discriminations” in the electoral process serve to undermine the minimal conceptions of democracy. These discriminations include the sidelining of minority parties and candidates through either vote counting procedures “or through an electoral apportionment that creates glaring inequities in the weight of individual votes.”⁹¹ The fourth relates to the centrality of free and fair elections as the means to constitute governments and is “the basic linchpin underlying all other elements that detract from the consolidation process” as the other three conditions “would be impossible to maintain in the long run were it not for the threat of overthrowing democratically elected authorities,” through other means, notably coups and insurrections.⁹²

⁸⁸ Valenzuela, *Democratic Consolidation in Post-Transitional Settings: Notion, Process and Facilitating Conditions*, 62

⁸⁹ Importantly here, Valenzuela argues again that the “list of such perversities cannot be extended endlessly; otherwise, the conception of consolidation runs the risk of being anchored again, perhaps unwittingly, on the presence or absence of what in the last instance can be viewed as potentially destabilising elements, see Valenzuela, *Democratic Consolidation in Post-Transitional Settings: Notion, Process and Facilitating Conditions*, 62

⁹⁰ Valenzuela, *Democratic Consolidation in Post-Transitional Settings: Notion, Process and Facilitating Conditions*, 63

⁹¹ *Democratic Consolidation in Post-Transitional Settings: Notion, Process and Facilitating Conditions*

⁹² Valenzuela, *Democratic Consolidation in Post-Transitional Settings: Notion, Process and Facilitating Conditions*, 68

The operation of these perversities has the potential to lead to a crisis in the consolidation of democracy. In a similar formulation to the above, Morlino argues that the limits and constraints placed on civil and political rights together with the curtailment of political competition and participation indicate a crisis of democracy. But, in addition to this, a crisis *in* democracy is also possible, in which crisis here “is the process of decline in institutional efficacy as well as divorce and change in relations among civil society, parties and government institutions.”⁹³ Indeed, a crisis *inside* a democracy, and the concomitant decline of efficacy, serve to *destabilise* and *destructure* the “relations of representation, mainly characterised by changes in the party system, in organised and non-organised interest groups, or in both.”⁹⁴ The focus here is highly illuminating when cognisance is taken of the case studies below as it forms a conceptual framework in which democratic recession, and the commensurate crises of legitimacy and efficacy, may be examined.

Perhaps the best example of this related to the institution of economic policy in Africa. For Fatton, “the survival and consolidation of democracy demand that national economic policy be credible in the eyes of those who will experience its consequences and thus, that it be the result of a national consensus reached between the state and representative organisations.”⁹⁵ The experience in Africa however, has been the implementation economic policies which have not been based on consultation and consensus between the various social and political actors, and thus, called into question the sustainability of democratic consolidation. Here, by not creating consensually-premised economic policies, the effect has been the “implementation of unpopular economic adjustment measures” which has called into question the legitimacy of both the reforms and the government’s themselves. As the empirical findings will evince, the implementation of economic policies in Southern Africa not only altered the relationship between institutions and civil society, but also created a crisis of legitimacy, and later efficacy, between the regime and trade unions, evidenced most notably Zimbabwe and Swaziland. Adjunct to economic crisis, the effect of *perverse* institutionalisation is felt more greatly in the majority of countries under consideration as there is a “tendency for politics to take strong populist

⁹³ Morlino, 15

⁹⁴ Morlino, 16

⁹⁵ Robert Fatton, ‘Civil Society Revisited: Africa in the New Millennium,’ *West Africa Review*, (1999), 8

undertones; the poor in the agrarian and informal sectors can be manipulated by politicians who stress ethnic, racial and related primordial loyalties. While the better educated and informed minority middle and working classes may be opposed to political authoritarianism and manipulative populism, the peasantry and the lumpen-proletariat who constitute the majority can be more easily swayed by demagogic and clientelist politics.”⁹⁶

From this, it is possible to deduce that the consolidation of democracy “consists of eliminating the institutions, procedures and expectations that are incompatible with the minimal workings of a democratic regime, thereby permitting the beneficent ones that are created or recreated with the transition to a democratic government to develop further.”⁹⁷ In addition, it is “precedent-setting confrontations” that serve to change or strengthen both the procedural and institutional environment for consolidation.⁹⁸ As such, it is in these confrontations that the analysis locates civil society actors, and trade unions specifically, as it provides the necessary conceptual and practical space to participate in consolidating democracy. The imperative of preventing a crisis *in* democracies, and hence preventing the ‘divorce’ and changing relations among government, parties and civil society, forms an overarching avenue of analysis in this work.

The preceding discussion has provided a broad conception of the notion of democracy and the necessary requirements and conditions that would allow for its consolidation. In essence, while democracy has not been explicitly defined, there are three overriding conditions which are necessary for its existence, namely free and fair election, free and unencumbered political participation, and the guarantee of civil and political liberties. A democracy consolidates when free and fair elections, allowing for a measure of uncertainty, occur in a political environment in which basic civil and political rights are guaranteed. This is premised on the acceptance of democracy being conceived of as the ‘only game in town’ – underscored by a process in which political actors at both the elite and mass levels believe that a democratic regime is the best for

⁹⁶ Sachikonye, ‘Democracy and Economic Reform in Southern Africa,’ 11

⁹⁷ Valenzuela, *Democratic Consolidation in Post-Transitional Settings: Notion, Process and Facilitating Conditions*, 70

⁹⁸ Valenzuela, *Democratic Consolidation in Post-Transitional Settings: Notion, Process and Facilitating Conditions*, 71

their society. The achievement of this broad and deep legitimation for democracy thus occurs through the 'habituation' of democratic norms and procedures with the existence of the 'five interacting arenas' noted above. For the present analysis, the central arena to allow for the consolidation of democracy is a robust civil society. For as Diamond has noted,

Civil society can, and typically must, play a significant role in building and consolidating democracy. Its role is not decisive or even the most important, at least initially. However, the more active, pluralistic, resourceful, institutionalized, and democratic is civil society, and the more effectively it balances the tensions in its relations with the state – between autonomy and cooperation, vigilance and loyalty, scepticism and trust, assertiveness and civility – the more it is that democracy will emerge and endure.⁹⁹

Furthermore, these arenas aim to guarantee the eradication of institutions, procedures and expectations that are not compatible with the minimal workings of democracy, and which if not removed, could lead its regression. Increasing the prospects of this regression, and thus permitting the re-emergence of authoritarianism, is the development of perverse institutionalisation. This occurs notably through primacy accorded to the existence of non-democratically created tutelary powers and the development of unaccountable and 'reserved domains' of authority. Importantly moreover, regression is likely to emerge where elections are not free and fair and characterised by major procedural discriminations. The effect of regression, whether due to institutional perversities or the lack of conditions for consolidation, is the 'delegitimisation' of the incumbent regime and a decline in institutional efficacy which eventuates in a change in the relationship between civil society, parties and government institutions.

The following chapter now turns to developing a framework in which the 'role of the people,' through the analytical lens of civil society, can be analysed in light of social, economic and political change. The aim here is to provide a foundation upon which the role of trade unions can be understood in preventing the regression of democracy in Southern Africa.

⁹⁹ Larry Diamond, 'Rethinking Civil Society: Toward Democratic Consolidation,' *Journal of Democracy*, 5,3 (1994), 16

3.

THINKING THROUGH 'CIVIL SOCIETY' IN DEMOCRATISATION AND CONSOLIDATION

A BRIEF HISTORY OF THE PERCEIVED ROLES OF CIVIL SOCIETY

Civil society, like the concept of democracy, shares a long and contested history. Originating in Western political thought, the concept has been given considerable academic treatment as a site of resistance within the discourse of democratisation. It falls outside the purview of the current project to engage in tracing the evolution of the concept outside the adumbration below.

The modern, and perhaps most common incarnation of the concept of civil society, is intellectually indebted to liberal thinkers of the eighteenth century who first began to distinguish between the two competing realms of the state and society. While the classical interpretation had stressed the unity of society and the state, the liberal interpretation saw the separation of as necessary “due to the natural goodness of an individualistic and egalitarian civil society which stood in opposition to the necessary evil of the state; the state needed to be restricted by civil society and society was seen as the sole source of legitimate authority.”¹⁰⁰ Indeed, in his analysis of the development of civil society, Adam Ferguson noted that “the solidarity of society was undermined not only by commerce and manufacturing but also by the emergence of a centralized constitutional state. The best way to revive a sense of public spirit was therefore to encourage the creation and strengthening of citizen associations.”¹⁰¹ In a more radical construction, Thomas Paine asserted the sovereignty of the individual and posited that government was merely a ‘national association’ of citizens.

¹⁰⁰ Cohen and Arato cited in Zuern, 100-101; see also John Keane, *Democracy and Civil Society: On the Predicaments of European Socialism, the Prospects for Democracy, and the Problem of Controlling Social and Political Power* (London: Verso, 1988), especially 31-68

¹⁰¹ Adam Ferguson cited in Michael Bratton, ‘Civil Society and Political Transitions in Africa’ in John Harbeson, Donald Rothchild and Naomi Chazan (eds) *Civil Society and the State in Africa* (Boulder, Lynne Rienner, 1994), 53

Individuals, it was argued, came together not only to fulfil individual needs that they are unable to on their own, but also out of a sense of community and good will.”¹⁰²

For Georg Hegel, civil society did not act as a “harmonising agent” between state and society “nor did it assume a similarity of interests among groups in civil society,” instead, conflict was ascendant and highly probable.¹⁰³ Thus, in Hegel’s conceptualisation, “[M]odern civil society is a restless battlefield where private (male) interest meets private (male) interest. It unfolds and develops in a blind, arbitrary quasi-spontaneous manner. This means that it cannot overcome its own particularities, but also that it tends to paralyse and undermine its own pluralism; the exuberant development of one part of civil society may, and often does, impede or oppress its other parts.”¹⁰⁴ Centrally, civil society could only remain civil if it were ordered politically, and “subjected to the higher surveillance of the state,” and thus, only the state is able to “represent the unity of society and further the freedoms of its citizens.”¹⁰⁵ Alexis De Tocqueville furthered this critique by elucidating the inherent contradictions in the democratic principles of freedom and equality, and argued that “as the state expanded, so civil life became ever more thoroughly penetrated and controlled.”¹⁰⁶ Here, civil associations “enable citizens to negotiate wider undertakings of concern to the whole polity. But they do more than this: they also nurture and powerfully deepen the local and particular freedoms so necessary for maintaining democratic equality and preventing the tyranny of minorities by majorities.”¹⁰⁷

The final two seminal theories on civil society are proffered by Karl Marx and Friedrich Engels; and Antonio Gramsci. Marx and Engels conceived of civil society within the evolution of property relations under capitalism, and as a “realm of economic relations, civil society was coterminous with the socioeconomic base, as opposed to the state, which was mere political and juridical superstructure.”¹⁰⁸ The

¹⁰² Zuern, 101. Also, Bratton, 53; and Keane, 42-44

¹⁰³ Zuern, 101

¹⁰⁴ Keane, 47. See also Neera Chandhoke, *State and Civil Society: Explorations in Political Theory* (New Delhi: Sage Publications, 1995) especially 114-158

¹⁰⁵ Bratton, 54

¹⁰⁶ Bratton, 53

¹⁰⁷ Keane, 51

¹⁰⁸ Bratton, 54. See also John Urry, *The Anatomy of Capitalist Society: The Economy, Civil Society and the State* (London: MacMillan Press, 1981), 10-25

effect of this then is to reverse Hegel's subordination to the state – in Marx and Engels conceptualisation, the state was subordinate to civil society. For Gramsci, the distinction between state and civil society “did not mirror that between political and economic life” and civil society was not designated to the base.¹⁰⁹ Rather, there were two major superstructures, namely political society (state), “which rules directly through the coercive and juridical instruments of domination,” and civil society, which “promotes ethical values among the populace through the exercise of ideological and cultural hegemony.”¹¹⁰ In addition, civil society was the site where the state sought to enforce ‘invisible’, intangible and subtle forms of power.¹¹¹ It is evident that the former here relies on force, while the latter on consent in attempting to construct its hegemony.

APPROPRIATING CIVIL SOCIETY

This historical adumbration above has shown that while civil society is a contested and even fluid construct, its fundamental relationship to the state makes it an important site of analysis in understanding the dynamics of political reform. Indeed, since its conceptual ‘re-birthing’ in the dissident politics of Central and Eastern Europe in the 1980s, current debates have “fostered the appealing idea of civil society as a domain that is non-violent but powerful, non-partisan yet prodemocratic, and that emerges from the essence of particular societies, yet is nonetheless universal.”¹¹²

At the outset, it is necessary to address the problem of appropriating in essence a Western theoretical construct and applying it to an African political reality. While the examination of the evolution of the concept of civil society is premised on a “distinctly European historical and cultural milieu,” and while analysts, in applying the concept to non-Western politics have found it to be “unwieldy” and “complex” Bratton argues that “civil society is a useful formula for analyzing state-society relations in Africa because it embodies a core of universal beliefs and practices about

¹⁰⁹ Bratton, 54-55

¹¹⁰ Bratton, 55

¹¹¹ Chandhoke, 149

¹¹² Thomas Carothers quoted in Sara Rich Dorman, *Inclusion and Exclusion: NGO's and Politics in Zimbabwe*, D.Phil Thesis, University of Oxford, 2001, 40

the legitimation of, and limits to, state power.”¹¹³ Noting the Western bias in the construction of the idea of civil society, the solution is not to defer from its usage in understanding African political processes, for while

It is true that civil society is rooted in Western philosophy, but this is hardly the first time that a concept of Western origin would attain more universal connotations and widespread use beyond the Western context. After all, terms such as ‘bureaucracy,’ ‘bourgeoisie,’ or ‘democracy’ are no less Western in conception [...] we should strive to standardize and universalize our conceptual tools as much as possible [...] we should try not to define a concept too narrowly in order to retain its cross-cultural applicability.¹¹⁴

Speaking to a larger theoretical gap across the disciplines, Harbeson has argued in relation to Africa that,

An underlying premise [...] is that the idea of civil society speaks to an important gap in social science theory regarding African problems of political and socioeconomic development on the ground. That theoretical shortcoming has been reflected in less-than-successful policy formation by African governments and donor development assistance agencies. The missing dimension supplied by the idea of civil society is that, in process terms, working understandings concerning the basic rules of the political game or structure of the state emerge from within society and the economy at large. In substantive terms, civil society typically refers to the points of agreement on what those working rules should be.¹¹⁵

As such, the conception of civil society has offered a new analytical and prescriptive agenda for studying the African political realm, as

Africa’s potential for democracy is more convincingly revealed by the creation of small collectives established and controlled by moral rural and urban groups (such as local associations) than by parliaments and parties, instruments of the state, of accumulation and of alienation. These new political meditations will be evolved by African’s themselves, on their own.¹¹⁶

¹¹³ Bratton, 51-52

¹¹⁴ Victor Azarya, ‘Civil Society and Disengagement in Africa,’ in John Harbeson, Donald Rothchild and Naomi Chazan (eds.) *Civil Society and the State in Africa* (Boulder: Lynne Rienner, 1994), 87

¹¹⁵ John Harbeson, ‘Civil Society and Political Renaissance in Africa,’ in John Harbeson, Donald Rothchild and Naomi Chazan (eds.) *Civil Society and the State in Africa* (Boulder: Lynne Rienner, 1994), 3

¹¹⁶ Bayart, 125

The quote above serves as an interesting prescription for the understanding the potential for democracy, and summarises a theme that is consistent with the broader aims of the analysis in this thesis.

TOWARDS AN UNDERSTANDING OF CIVIL SOCIETY

Having traced the historical development of the concept and noted its application in the African political realm, it is necessary to provide an analysis of how civil society has been defined and how it is utilised for the present discussion. In Bayart's seminal formulation, and indeed his re-inscription of the concept of civil society in African political discourses, democratic governance cannot be fully analysed in institutional terms but needs to recognise the politics of the "autonomous space of mass expression" in which civil society operates.¹¹⁷ Bayart dialectically constructs the definition of civil society as "society in relation to the state [...] in so far as it is in confrontation with the state or more precisely, as the process by which society seeks to 'breach' and counteract the simultaneous 'totalisation' unleashed by the state."¹¹⁸ Noting the plurality of interests in civil society, it is influenced not only by popular modes of political action, but also the "interests of socially dominant groups (merchants, businessmen and the clergy) which are no less excluded from direct participation in political power."¹¹⁹ For Bayart moreover, there is an intersection of interests between political society and civil society adding to the ambivalence, complexity and dynamic relation between state and society. Bayart effectively posits that, "states and civil societies have mixed with, penetrated and contaminated each other, have shared common ideologies for so long that everywhere there is much statishness in society and much that is civil in all states," may be dismissed in the postcolony.¹²⁰ Arguing that there is little revolutionary potential in Africa, it is acknowledged however that the state has been "damaged by the constant pressure of those social groups and ever-changing tactics including strikes, revolts, abstention from elections amongst others."¹²¹ Further,

¹¹⁷ Bayart, 110-111

¹¹⁸ Bayart, 111

¹¹⁹ Bayart, 112

¹²⁰ Bayart, 112-113

¹²¹ Bayart, 113

There is a long list of popular actions which undermine and reduce the scope of state power. Civil society takes its revenge on the state and contributes in no small measure to its economic failure. The argument that civil society has atrophied, and that it is increasingly dependent on the state must, therefore, be qualified. Here and there, it stands in a more equal relation with the state and where it does, it is of some consequence for democracy.¹²²

Similar to Bayart's conception of civil society as being *relational* to the state, Chabal, argues that in postcolonial Africa, it is not so much that the "state and civil society confront each other in the political arena but (especially in contrast to Europe) the *position* from which they do so."¹²³ In Africa, it is the state which determines the form of politics of civil society and given this, civil society is "therefore subjective, unstable, discontinuous and unquantifiable."¹²⁴ Furthermore, the "state defines the boundaries of political legitimacy, so that the political action(s) of civil society are inevitably confined to the realm of political illegitimacy."¹²⁵ While both Chabal and Bayart posit that state-society interaction is relational, there is a widely shared notion in the literature that civil society must remain autonomous from the state. However, Hadenius and Ugglå argue further that "this autonomy is relative; organisations may be more or less bound to the state through direct cooperation, funding, facilitation, etc. In order to influence public policy, moreover, civil organisations need to relate to the state. Total independence is virtually incompatible with political influence."¹²⁶

The notion of autonomy, central to the ability of civil society to promote and consolidate democracy, is also prominently enumerated in the (liberal) literature on democratic transition and consolidation. Encapsulated in this definition, it is noted that civil society is a "realm of organised social life that is voluntary self-generating, (largely) self-supporting, autonomous from the state, and bounded by a legal order or set of shared rules."¹²⁷ Importantly, a distinction needs to be drawn between political society and civil society, where the primary aim of the former is to compete for state power through the use of its institutions. Civil society, rather seeks autonomy from

¹²² Bayart, 114

¹²³ Patrick Chabal, *Power in Africa: An Essay in Political Interpretation* (London: MacMillan Press, 1994), 85

¹²⁴ Chabal, 85

¹²⁵ Chabal, 85

¹²⁶ Axel Hadenius and Fredrik Ugglå, 'Making Civil Society Work, Promoting Democratic Development: What Can States and Donors Do?,' *World Development*, 24,10 (1996), 1628

¹²⁷ Diamond, 'Rethinking Civil Society: Towards Democratic Consolidation,' 5

the state while still expressing collective interests. Political society, however, does not have a monopoly in being conceived *with* or *in* the state, as the “boundaries between state and civil society are not immutable” and the constant shifting of the ‘centre of gravity of political life’ between state and society bears this out.¹²⁸ Here, the notion of autonomy is also bounded to the very public nature of civil society. Indeed, for Bratton, this ‘public-ness’ is founded on the assumption that it requires collective action “in which individuals join to pursue shared goals,” and furthermore, that it is “the crucible of citizenship in which individuals have the opportunity to *wean* themselves from dependence on the family or state.”¹²⁹ What distinguishes the trade union federations under examination in this thesis, as constituents of civil society, is their financial and organisational independence from the ruling party. Prior to democratic transition in Namibia in particular, there was a lack of clarity on the relationship and hence the autonomy between the trade union federation and the liberation movement which later constituted the ruling party. As will be seen, this case represents the best example of where the effects of a lack of autonomy impinge upon the role of unions in the political sphere post-transition. A second important consideration, is the fact that trade unions work closely with other organisations in civil society, both during and after the transition. And finally, while it is not necessary for trade unions and the ruling party to share differing political and ideological positions, there should be a measure of open political opposition where it is necessary. In the cases which follow, this is evident to a varying degree.

Part of this ‘weaning’ also infers a normative understanding of the nature of the relationship between state and civil society as being governed by the principle of political accountability. Such accountability “defines the rules of conduct within a political community,” in which it determines the relationship between the ruler and the ruled.¹³⁰ By extension, it would be problematic to view the relationship between the state and civil society as one premised predominantly on confrontation. In this regard, Kasfir has asked cogently whether civil society disappears when its actors are

¹²⁸ Bratton, 59

¹²⁹ Bratton, 56, author emphasis. Civil society in this conception differs from ‘society’ in general, as it “involves citizens acting collectively in a *public* sphere” as opposed to the private sphere of the household or domestic arena. Diamond, ‘Rethinking Civil Society: Towards Democratic Consolidation,’ 5; also Bratton, 56

¹³⁰ Chabal, 86

engaged in non-confrontational activity.¹³¹ Identifying the state-civil society dichotomy as confrontational avoids a rich and complex understanding of interaction between civil society and state, and reduces the positive role that civil society organisations *potentially* can play in promoting and consolidating democracy. Indeed, the ability of civil society to promote and consolidate democracy “evaporates if associations cannot be perceived as working constructively with the state as well as opposing it.”¹³²

However, this supposes that conceptually civil society is an undifferentiated and a naturally preordained ‘good’ phenomenon. Certainly, espousing the ‘civility’ of civil society, Azarya posits that there is an,

[...] acknowledgement of consideration toward ‘the other,’ beyond one’s family, a recognition of dignity derived from the individual’s humanity or membership in a given community. It recognizes that all people have similar rights and obligations and hence implies a readiness to moderate particular individual or parochial interests in consideration of some common good, through which others’ basic rights and interests would be protected as well as one’s own. Acceptance of such collective responsibility to the common good and the positive value of activities meant to safeguard it are at the core of civility and for the fundamental virtue of civil society.¹³³

But again, to romanticise its ‘civility’ ignores a deeper ambivalence of the concept and obscures the fact that civil society can be the receptacle of repressive power relations, devoid of any “natural innocence.”¹³⁴ As will be shown in the empirical findings, because civil society is characterised as ‘voluntary’ and ‘self-generating’, it should also be seen as heterogeneous and representative of a diversity of interests. And given this diversity, “civil society reflects, in political form, the cleavages and conflicts of the wider society in which it is located,” and is thus “an arena of unbridled arena of dispute” that is “traversed by class interests, ethnic particularisms [and] individual egotism.”¹³⁵

¹³¹ Nelson Kasfir, 4

¹³² Kasfir, 4-5. Also Irving Markovitz, ‘Uncivil Society, Capitalism and the State in Africa,’ *Journal of Commonwealth and Comparative Politics*, 36,2 (1998), 21 - 49

¹³³ Azarya, 90

¹³⁴ Sachikonye, ‘Democracy, Civil Society and Social Movements: An Analytical Framework,’ 8.

¹³⁵ Bratton, 58. Also, Eghosa Osaghae, *Structural Adjustment, Civil Society and National Cohesion in Africa*, Harare: Africa Association of Political Science, Occasional Paper Series, 2,2 (1998), 4

Given that civil society is therefore a receptacle of both converging and diverging interests, Fatton's structuration of African civil society is pertinent in providing a conceptualisation of the composition of organisations here. Highlighting the class differences that underscore this structuration, it nevertheless balances vertical (state-civil society) relations and horizontal (intra-civil society) relations. The first level of this structuration is categorised as 'predatory' civil society, composed of both public and private sector elites who interact with government through rent-seeking and patron-client networks to accumulate wealth and influence.¹³⁶ The second level is composed of the 'quasi-bourgeoisie' of middle sector civil society which is structured on 'emergent democratic coalitions' such as labour, women's organisations and the intelligentsia.¹³⁷ Generally, while these organisations have been "excluded from the prebends of predatory rule and the displaced or disgruntled elite from the predator class," they have found in civil society the means to acquire status and power. Seeking democratisation of authoritarian politics, they seek to 'entrench' "civil society as the 'watchdog' curbing the monopolising claims of the state."¹³⁸ Bratton supports this, and places more significance to this group, arguing that cognisance needs to be taken of the fact that the "contours of civil society are shaped by the social groups and classes that come out openly in favour of political liberalization," (and democratisation) and it is the "new or revived identities and capacity for collective action of the working class" that provides the greatest challenge to authoritarian rule."¹³⁹ This group opposes the 'minimal liberal state' whenever it forces them into "lives of austerity that had hitherto been the exclusive lot of the poor" and their incapacity to share power with predatory rulers makes it necessary to 'mobilise popular civil society to realise their own class project', where such necessity, "makes them pseudo-liberal democratisers."¹⁴⁰ The third level in this structuration consists of 'popular' civil society representing the majority of subordinate classes such as the unemployed, the poor and the rural and urban 'underpaid.' These groups seek to "constitute a popular civil society of basic networks of survival to counter the

¹³⁶ Robert Fatton in Osaghae, *Structural Adjustment, Civil Society and National Cohesion in Africa*, 18. The ideas here are developed by Osaghae in relation to Fatton's work.

¹³⁷ Osaghae, *Structural Adjustment, Civil Society and National Cohesion in Africa*, 18

¹³⁸ Osaghae, *Structural Adjustment, Civil Society and National Cohesion in Africa*, 18

¹³⁹ Bratton, 60-61. Also O'Donnell and Schmitter, *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies*, 54-55; See also Mamdani, 'A Critique of the State and Civil Society Paradigm in Africanist Studies,' 602-616

¹⁴⁰ Osaghae, *Structural Adjustment, Civil Society and National Cohesion in Africa*, 18-19

devastating impact of predatory rule,” where these networks are “meant to replace decaying and vanishing public spheres and fill the gap left by an increasingly [vanishing] state.”¹⁴¹ This structuration is important to “operationalise the concept of civil society in an essentially African context,” as

[...] democracy is impossible without the empowerment of subordinate classes and in particular the working class. Neither predatory rulers nor middle sectors favour such empowerment; subordinate classes have to wrest it from them. Democracy in Africa is therefore a balance of power among the three classes. ¹⁴²

Civil society thus remains important in the political realm and for democratisation in particular. In addition, the operationalisation above has located the middle sector and working class as being central to the process of political change and these classes have a “direct interest in the undermining of authoritarian and paternalistic political arrangements” even if its capacity is limited. ¹⁴³ With regard to civil society in Africa, Bratton asserts moreover that,

Within the state, political action is motivated by means of command backed by the implicit sanction of violence. Within civil society, political initiatives arise on a voluntary basis, either because actors perceive a material advantage or because they are motivated by commitment to ethical or political value. Although the state may possess a legitimate claim to the monopoly of violence, it cannot claim exclusive dominion over economic or ethical life. Yet, economic interests and moral values are key poles around which political activity regularly clusters. These are the province of civil society.¹⁴⁴

CIVIL SOCIETY FUNCTIONS AND TRADE UNIONS

The discussion has focused thus far on problematising the concept of civil society and locating its necessity in the political sphere and processes of democratisation specifically. But, how precisely does it function in this sphere? Given the emphasis of polyarchy here it should be added that Dahl envisaged a second and adjoining component to it, notably, the existence of voluntary organisations acting

¹⁴¹ Osaghae, *Structural Adjustment, Civil Society and National Cohesion in Africa*, 19

¹⁴² Fatton quoted in Osaghae, *Structural Adjustment, Civil Society and National Cohesion in Africa*, 19

¹⁴³ Sachikonye, ‘Democracy and Economic Reform in Africa,’ 7-8

¹⁴⁴ Bratton quoted in Osaghae, *Structural Adjustment, Civil Society and National Cohesion in Africa*,

autonomously from state structures.¹⁴⁵ Within this conception of democracy, the primary function of civil society, and those most relevant for the focus of this examination, is to provide the basis for the limitation of state power either through monitoring and limiting the exercise of power in democratic states or by democratising authoritarian states. In these two (potential) roles, Diamond is keen to assert that a “vibrant civil society is probably more essential for consolidating and maintaining democracy than for initiating it,” as a weak institutional environment and a lack of a strong bureaucratic regime potentially hamper reform after the transition to democracy.¹⁴⁶ Civil society’s ‘checking and limiting’ function therefore serves as a ‘reserve of influence’ held by organised citizens, but utilised only periodically “with vigor in the civic culture.”¹⁴⁷ Civil society is also able to provide channels for interest representation, as well as its aggregation and articulation and thus also “generates opportunities for participation and influence at all levels of governance.”¹⁴⁸ A diverse and strong civil society also allows for the generation of a broad range of interests that may intersect, and as such “mitigate the principal polarities of political conflict.”¹⁴⁹

These activities fulfil the pluralist functions of civil society in which organisations are involved in the broad distribution of power in both society and political life. Civil society organisations also play an important educative function in which the internal organisational practices serve as an important indicator for external actions. In essence, the “basic idea is that democracy’s prospects do not just depend on what rules of procedure apply or what organisational channels stand open to the citizens [...] No democratic order can be sustained, if not the prime practitioners of this form of government, namely the people, is prepared to stand up firmly for the principal rules of the game [...] There can be no democracy without democrats.”¹⁵⁰

As such, a diverse and rich associational life also serves to “supplement the role of political parties in stimulating political participation, increasing the political efficacy and skill of democratic citizens, and promoting an appreciation of the obligations as

¹⁴⁵ Rakner, 31

¹⁴⁶ Diamond, ‘Rethinking Civil Society: Towards Democratic Consolidation,’ 7

¹⁴⁷ Diamond, ‘Developing Democracy: Towards Consolidation,’ 241

¹⁴⁸ Diamond, ‘Rethinking Civil Society: Towards Democratic Consolidation,’ 8

¹⁴⁹ Diamond, ‘Rethinking Civil Society: Towards Democratic Consolidation,’ 9

¹⁵⁰ Hadenius and Ugglå, 1622

well as the rights of democratic citizenship.”¹⁵¹ Civil society is thus a ‘laboratory of democratic learning’ as it allows for the development of normative democratic features tolerance, compromise, and mediation of opposing viewpoints. Indeed, “these values and norms become most stable when they emerge through experience, and organizational participation in civil society provides important practice in political advocacy and contestation.”¹⁵²

Given the characterisation of civil society playing both a pluralist (‘as agents for political change’) and educative (‘as laboratories of learning’ and democratic consolidation) functions, it is necessary to illustrate here how trade unions specifically fulfil these functions.¹⁵³ As agents for political change, unions’ primary aim is to serve as organisations of workers’ economic interests, but given the acknowledgement of their political roles, they may “directly affect the form and content of public policy as collective *organisations*.”¹⁵⁴ Certainly, given their central position in the economy and their ability to strike, trade unions are favourably placed to affect economic policies and growth more than other associational groupings. In addition, the labour movement generally has a “greater capacity for extensive and effective mobilization at critical moments” and its “mass base normally has specific common interests and a politically tinged collective identity rooted in lived history.”¹⁵⁵ Institutionally, trade unions contribute to generation of a framework to manage industrial relations and establish rules and regulations relating to interaction and conflict mediation and solving. As Torres notes, this may promote institutionalisation and negotiations in one area which may “contribute to the establishment of networks or segments of sectoral interests, which may then serve as an impetus for political change.”¹⁵⁶ The numerous avenues of representation open to trade unions especially after a democratic transition serve to confer legitimacy on the newly elected government’s policies and political decisions. Torres has argued that in “countries marked by strong cleavages along lines of race, ethnic background,

¹⁵¹ Diamond, ‘Rethinking Civil Society: Towards Democratic Consolidation,’ 7-8

¹⁵² Diamond, ‘Rethinking Civil Society: Towards Democratic Consolidation,’ 8. See also Lipset on the centrality of ‘social capital’ for civil society, 96 - 136

¹⁵³ The concepts in parentheses are noted in Torres, 36-39

¹⁵⁴ Torres, 36 emphasis in the original

¹⁵⁵ J. Samuel Valenzuela, ‘Labor Movements in Transitions to Democracy: A Framework for Analysis,’ *Comparative Politics*, 21,4 (1989), 447

¹⁵⁶ Torres, 37

religion or gender, democratic legitimacy and stability in the reconciliation process tends to be favoured by political and administrative institutions in which people from these diverse backgrounds are represented. If conflicts inherent in nation-building are to be managed efficiently, opposing camps need to be able to compromise, and institutions must be established to bridge cleavages.”¹⁵⁷ Trade unions also serve as laboratories for political learning, and the “emergence of new values and attitudes takes place within given contextual frameworks with their own sets of values, norms and rules that determine what is legitimate and useful in order to achieve certain goals.”¹⁵⁸ What is of significance is how political learning and culture developed by structural features, socioeconomic conditions and institutions, the workplace being an important site as Pateman has noted above. This second aspect, of unions as laboratories for political learning, is not explicitly examined in the cases under consideration. However, it will be posited in each country, perhaps to the exclusion of South Africa, that the space for democratic political learning is constrained. The effect of this at the union level therefore has serious implications for the operation of democracy at the national level.

The motivation for trade unions to engage in political action speaks to a broader imperative to safeguard long term economic interests, particularly in authoritarian regimes. As agents of democratisation and consolidation, trade unions are important in mobilising social forces towards this end. As Przeworski notes,

Workers are typically the first and largest force to organise autonomously [...] First, places of work are along with markets (the bazaar) the only places where people meet naturally without police supervision. Secondly, political rights are necessary for the workers if they are able to struggle for their economic interests. Thus, workers organize autonomous unions and the unions embrace political demands that put them in the forefront of the struggle for democracy.¹⁵⁹

Given that mobilisation centres around an economic imperative, the dual nature of transition – that is, simultaneous economic and political reform – in the cases under consideration specifically compound the problems of democratisation. This dual

¹⁵⁷ Torres, 37

¹⁵⁸ Lysgaard cited in Torres, 38

¹⁵⁹ Adam Przeworski, *Democracy and the Market: Political and Economic Reforms in Eastern Europe and Latin America* (Cambridge: Cambridge University Press, 1989), 73

nature of transition is problematic, “not least because their timescales are so different, and the early experience of economic dislocation and hardship that accompanies marketization can readily undermine support from the democratic process.”¹⁶⁰ Thus while trade unions contribute to the processes of democratic transition and consolidation, the changing political context has also acted to shape their political behaviour. The following chapter provides a broad analysis of the role of civil society in Africa’s changing political economy and the dynamics that trade unions have needed to negotiate in the post-independence epoch. While generalisation of these experiences to the four countries under consideration here is hazardous, it is averred that there are substantial congruencies in the experience of civil society, and trade unions in particular.

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¹⁶⁰ Beetham quoted in Sachikonye, ‘Democracy and Economic Reform in Southern Africa,’ 8

4.

CIVIL SOCIETY, DEMOCRACY AND THE POLITICAL ECONOMY OF AFRICA – AN HISTORICAL OVERVIEW

In understanding the role of civil society in promoting and consolidating political democracy in the four Southern Africa countries, it is imperative that cognisance be taken to the specific circumstances and conditions that promoted and initiated the process of democratisation. The bias in the literature on democratic transitions and consolidation to posit a single set of factors in the ‘linear evolution’ of democracy is problematic to the study of democracy in Africa. For as Ottaway has argued, the “idea that there is a single set of conditions that makes the process [of democratisation] possible, and which precludes transformation if it is absent, can be readily discarded.”¹⁶¹ While this statement is largely true and steering away from generalisation, in the region under consideration, there are strong historical features which allow for analogous democratic trajectory to be constructed.

CIVIL SOCIETY AND THE STATE IN AFRICA

The development of civil society relates to the development of the state in Africa, and given the history of state formation, it is clear that the creation of ‘gelatinous’ civil societies “was not *sui generis* but the direct result of the dislocations engendered by the impact of the slave trade, colonialism, and the integration of Africa into the world economic system.”¹⁶² These ‘dislocations,’ colonialism in particular, created the emergence of dual societies in Africa, namely through the use of patronage systems premised on “hierarchies of personal power” while at the same time fomenting

¹⁶¹ Marina Ottaway, ‘African Democratisation and the Leninist Option,’ *Journal of Modern African Studies*, 35,1 (1997), 7

¹⁶² Bayart, 116. Also, Naomi Chazan, ‘Engaging the State: Associational Life in Sub-Saharan Africa,’ in Joel Migdal, Atul Kohli and Vivienne Shue (eds.) *State Power and Social Forces: Domination and Transformation in the Third World* (Cambridge: Cambridge University Press, 1994), 256

“contained civil society around the colonial apparatus.”¹⁶³ In the latter group, the colonial state aimed to create an African society that mirrored European society. Urban based, this group was “launched by incipient elites who, while offering services to migrants to the city and opening opportunities for upward mobility, were themselves dependent on the colonial apparatus.”¹⁶⁴ Groups in this category were essentially tasked with three purposes. Firstly, the fulfilment of members’ needs was a priority and given increased migrancy, this included employment, housing and pastoral assistance. Secondly, the new associations concerned themselves with “establishing and maintaining their position in the emerging social context by expanding their membership, establishing norms of conduct, and devising mechanisms for participation, decision-making and leadership rotation.”¹⁶⁵ The final purpose saw organisations aim to interact with other like associations and “broader economic, social, administrative, political and even international entities.”¹⁶⁶ Trade unions prior to independence and democracy aimed to fulfil these purposes and as the case studies will demonstrate, they were largely successful.

In locating civil society within the dynamics of Africa’s changing political economy, it is necessary to conceptualise this development in relation to the state in Africa. While an initially “elusive concept,” recent definitions of the state agree that it is the “organized aggregate of relatively permanent institutions of governance.”¹⁶⁷ Here, the state needs to be seen as distinct from the regime. While the former is composed of decision-making, decision-enforcing, and decision-mediating structures, the latter essentially relates to the “rules, principles, norms and modes of interaction between social groups and state organs,” and thus, is concerned with the *form* of rule.¹⁶⁸

In addition, states sit at the junction of international and domestic processes. At the international level they exist in competition with other states for advantage in the

¹⁶³ Chazan, ‘Engaging the State: Associational Life in Sub-Saharan Africa,’ 259. Perhaps the most seminal exposition of the ‘formation’ of civil society in Africa can be found in Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*

¹⁶⁴ Chazan, ‘Engaging the State: Associational Life in Sub-Saharan Africa,’ 259

¹⁶⁵ Chazan, ‘Engaging the State: Associational Life in Sub-Saharan Africa,’ 260

¹⁶⁶ Chazan, ‘Engaging the State: Associational Life in Sub-Saharan Africa,’ 260

¹⁶⁷ Quoted in Naomi Chazan, Peter Lewis, Robert Mortimer, Donald Rothchild and Stephen Stedman, *Politics and Society in Contemporary Africa* (Boulder: Lynne Rienner Publishers, 1999), 8

¹⁶⁸ Chazan et al, 39

international system.¹⁶⁹ More important for the present purpose, at the domestic level, states are seen as “sprawling organisations within society that coexist with many other formal and informal social organizations, from families to tribes to large industrial enterprises. What distinguishes the state, at least in the modern era, is that state officials seek predominance over these myriad other organizations” through the creation of binding rules.¹⁷⁰ Given this description, the concept of the state in this work is approached and premised on the idea that

[...] social structures, especially in complex settings like Africa, must be taken as seriously as those of the state. From this conceptual vantage point, specific groups have evolved their own rules and survival strategies, which may compete or even conflict with those presented by the state. In order to understand the character of states, it is necessary to look at how transactions between social groups and state institutions are carried out and how these, in turn, alter the nature of public institutions as well as of social formations.¹⁷¹

Adopting this approach serves to benefit the analysis of this work, and allows for a nuanced understanding of the capacity of states to govern in relation to these social structures, and thus is able to focus on both societal and state explanations of political change.¹⁷² Importantly, it should be noted that while the examination here reflects the trajectory of post-independence politics in Africa generally, as the continent's last democratising region, Southern Africa is still tracing its path of political reform. Among the cases under consideration too, each lies at a different stage of its democratic trajectory. The discussion that follows provides a framework in which to contextualise the broader themes and processes of democratisation and democratic failure on the continent. While these broader themes and processes are instructive in positing a context upon which the cases under examination may be premised, it is cautioned that broad generalisations should be averted.

It is beyond the scope of this thesis to examine in detail the legacy that colonialism bestowed on the formation of ‘modern’ African states. However, given that civil society organisations were formed in relation to the colonial state, and that there is a strong continuity between form and function of the colonial and postcolonial state, it

¹⁶⁹ Chazan et al, 40

¹⁷⁰ Joel Migdal quoted in Chazan et al, 40

¹⁷¹ Chazan et al, 41

¹⁷² Chazan et al, 41

is necessary to adumbrate key features of the development of this legacy. Of particular importance, is the fact that the functional organisation of the African colonial state was supported by a powerful coercive apparatus that enforced further the administrative and political functions of the colonial civil service. At its core, it functioned as a 'military-administrative unit,' and as such Kasfir argues that the "political culture bequeathed by colonialism contained the notions that authoritarianism was an appropriate mode of rule and that political activity was merely a disguised form of self-interest, subversive of the public welfare."¹⁷³ Upon transfer to the majority after independence, the formal institutions which composed the state were "alien in derivation, functionally conceived, bureaucratically designed, authoritarian in nature and primarily concerned with issues of domination rather than legitimacy."¹⁷⁴ Moreover, during the process of decolonisation and in the immediate postcolonial period, instead of transforming these characteristics, the state 'elaborated' on them and hence allowed for continuity in the functioning of the state apparatus. Thus, the coming of independence was "characterised by a process of consolidation of an urban-based administrative society through the refinement of clientelistic networks and the implementation of corporatist policies that nurtured the emergence of authoritarian regimes."¹⁷⁵

THE ARTIFICE OF INDEPENDENCE

African independence, beginning in the 1960s, while signalling the potential for 'progressive' political change on the continent, was marked by a regression of democratic practice and reform. Indeed, founding provisions of newly independent states were widely premised upon the ideas of political liberty, where democracy was "understood to entail a variety of social and economic objectives: 'the expansion of national output and national income; a more effective mobilizing of labour; a more rapid development of power, industry and communications; the elimination of illiteracy and 'backwardness' through mass education; [and] the provision of universal, free primary education."¹⁷⁶ These conceptions of 'African' democracy were

¹⁷³ Kasfir quoted in Chazan, Lewis, Mortimer, Rothchild and Stedman, *Politics and Society in Contemporary Africa*, 43

¹⁷⁴ Chazan et al, 43

¹⁷⁵ Chazan, 'Engaging the State: Associational Life in Sub-Saharan Africa,' 263

¹⁷⁶ Roger Southall, 'Democratisation Perspectives in Africa,' 2

more akin to populist, than liberal notions of the term. In attempting to fulfil these aims, there was a strong preference for state-directed political and economic development, which was underscored by the move away from pluralism to the centralisation of power within a single political party.¹⁷⁷ The rationale underpinning this, was that

[Because] state structures occupied a gatekeeper position between external resources and domestic processes, their economic role was magnified greatly upon the achievement of independence. They were also expected to provide social services on a grand scale. *At the same time, a series of strikes, demonstrations and spontaneous actions kept many leaders preoccupied with the task of maintaining order.* Moreover, anticolonial activists demanded tangible returns for their political support during the crucial years of decolonisation.¹⁷⁸

The central vehicle for this centralisation of power became the political party, which in addition to become central to the process of ‘nation building’ or ‘national integration’, it was also charged to not only “articulate and aggregate public opinion but to engage in the promethean task of political mobilisation.”¹⁷⁹ The strengthening of the political party witnessed a commensurate strengthening of the party leader. Indeed, this was compounded by the intrusion of the political party into the “decision-enforcing institutions of government” and thus the party “became a channel to the administration, thus making the administrative apparatus subject to particularistic political demands.”¹⁸⁰ The effect of this was to blur the lines of decision-making between the party and the bureaucracy.

In addition to this, political leaders aimed systematically to marginalise or subordinate opposition to the party, and as a result, the emergence of clientelist regimes as instruments for ‘neopatrimonial’ or ‘personal’ rule came to dominate the African political environment.¹⁸¹ For Chazan et al, this form of rule was supported by two central factors. Firstly, the triumph and success of independence bestowed on the leadership a considerable amount of “leeway” in the exercise of rule. Second, the constitutions that allowed for this new leadership to assume power was not viewed as

¹⁷⁷ William Tordoff, *Government and Politics in Africa* (Bloomington: Indiana University Press, 1997), 4

¹⁷⁸ Chazan et al, 46-47, author emphasis

¹⁷⁹ Southall, ‘Democratisation Perspectives in Africa,’ 2

¹⁸⁰ Chazan et al, 53

¹⁸¹ Rakner, 42; Southall, ‘Democratisation Perspectives in Africa,’ 3

authoritative or binding by the new rulers, and rather, were seen merely as legal arrangements that were “pragmatic compromises agreed upon to hasten the transfer of power.”¹⁸² After independence, the constitutions could be easily abandoned if they hampered the exercise of “efficient government.”¹⁸³

The discarding of constitutions and ‘foreign’ institutions also spoke to a broader goal of ‘Africanisation’ of the state and the conception of democracy. Centralising power also meant the limitation of opposition and that the channels to express discontent were severely narrowed, if not completely closed. Specific action to emasculate opposition and the breakdown of the multiparty system began a longer process of state decline that eventuated in the creation of one-party states. Utilising both legal and coercive methods to perpetuate one-party dominance “had the effect of profoundly altering the function and means of participatory and representative institutions” in which “real engagement in policy formulation or even constructive commentary on the direction of government policies” was rarely allowed.¹⁸⁴ The bureaucratisation of the state and the consolidation of one-party regime had important ramifications for state organisation. Indeed, the “downgrading of political opportunities and the substantial opening of administrative and coercive ones made for an institutional imbalance not dissimilar to the one that existed throughout the colonial period.”¹⁸⁵

For civil society, this transformation of the state and its use of force and coercion to suppress opposition and dissent, was an indication not of state strength, but rather its reverse – that is, the greater need and use of force was “an indication of the (real and putative) strength of civil society.”¹⁸⁶ As the predominance of the political party came to characterise the declining legitimacy of the political realm, civil society organisations were largely ‘disenfranchised’ and the legal political space in which they could operate was increasingly restricted. With the formal power of civil society severely reduced and in cases lost, its strength lay in capacity to “resist, penetrate or

¹⁸² Chazan et al, 47

¹⁸³ Chazan et al, 47

¹⁸⁴ Chazan et al, 50

¹⁸⁵ Chazan, 52

¹⁸⁶ Chabal, 91

neutralise the state, and thereby appropriate some (informal) power”¹⁸⁷ However, with the “politics of civil society increasingly being deemed illegal” and the hegemony of the state being further entrenched, actors here were increasingly silenced.¹⁸⁸ Chabal however cautions that “silence was easily perceived as acquiescence or meekness, at any rate powerlessness,” however, “the greater the formal powers of the state and the greater the silence, the larger and more threatening civil society loomed.”¹⁸⁹

It would be mistaken to merely posit that the postcolonial state saw to the wilful obliteration of civil society as being central to its hegemonic drive. The state, where it sought some measure of legitimacy, also aimed to coopt different sections of civil society. Chabal maintains that this was problematic as it infers the restoration of some form of power to sections of civil society.¹⁹⁰ What was more problematic with attempts at the cooption of certain sections of civil society, was the divisiveness that underscored this project. Indeed, the ‘asphyxiation’ of civil society was premised on the politicisation of differences between various constituents and the refusal to reach accommodation with them.¹⁹¹

In terms of the theoretical construction of civil society in Africa, the developments discussed above, pose a problem for the analysis of state-civil society relations here. Essentially, cooption and the preponderance of patronage networks, together with the absorption of sections of civil society into the state make it difficult to trace its boundaries between them. This blurring then complicates an analysis of the source of political reform in that it is difficult to determine whether the impetus for change emanates from the state or civil society.¹⁹² However, this tension is resolved when consideration is given to Bratton’s contention of the ‘shifting immutability’ of the boundaries between the state and civil society. Thus, while the state may lay claim to and occupy the largest part of political space, “it never obliterates civil society.”¹⁹³ Rather, civil society is able to act both within and outside the state, for recognition

¹⁸⁷ Chabal, 84

¹⁸⁸ Chabal, 91

¹⁸⁹ Chabal, 91

¹⁹⁰ Chabal, 91-92

¹⁹¹ Julius Ihonvbere, ‘Where is the Third Wave? A Critical Evaluation of Africa’s Non-Transition to Democracy,’ in John Mukum Mbaku and Julius Ihonvbere (eds.) *Multiparty Democracy and Political Change: Constraints to Democracy in Africa* (Aldershot: Ashgate Publishing, 1998), 9-13

¹⁹² Rakner, 45-46

¹⁹³ Bratton, 59

needs to be taken of the multilayered complexity of the African politics of civil society.¹⁹⁴

To return to the analysis of the historical development of Africa's political economy, by the 1970s, the legacy of a 'swollen state' had negatively impacted upon the political and economic fabric of African society. The reorganisation of the state, noted above, had allowed it to become the primary means of accumulation for a "parasitic political class" which saw its personal wealth accrued through political office.¹⁹⁵

The 'crisis of expectation' that followed the perversion of the nationalist project and the dire predicament of the state, owed much to the process of postcolonial reorganisation. For the present purpose, it is highly instructive that the resulting process of state decline allowed for the re-emergence of popular forces and new forms of resistance to develop. As Ihonvbere has asserted, the "struggle for democracy, accountability, social justice and democratization can and must, therefore, be located in this period clearly predating the monumental upheavals in Eastern Europe."¹⁹⁶ However, the political and economic context in which this occurred was highly relevant to the sustainability of this new resistance. Giving impetus to the abuse of rule, the state in Africa was endowed with significant responsibility as both the largest employer and main source of social and welfare services.

ECONOMIC CRISIS AND THE RESURGENCE OF TRADE UNIONS

The economic crisis of the 1980s was precipitated by African economies being subjected to policy prescriptions of the international financial institutions, packaged as Structural Adjustment Programmes (SAP). These policies sought to restructure the 'swollen' state by introducing market-specific measures including privatisation, and a reduction in state expenditure. The institution of these programmes was premised, moreover, on the idea that they would "ultimately contribute to the emergence of thriving bourgeoisies throughout the continent" but involves "a fallacy of social composition which parallels the economic fallacy that unlimited opportunity for

¹⁹⁴ Chabal, 84

¹⁹⁵ Diamond cited in Southall, 'Democratisation Perspectives in Africa,' 4

¹⁹⁶ Ihonvbere, 'Where is the Third Wave? A Critical Evaluation of Africa's Non-Transition to Democracy,' 11

diversification and expansion of exports exists even when most other Third World states are subject to similar SAP conditionalities.”¹⁹⁷ Initially, these programmes were “confined to ‘economic’ policies and terms, but their range of conditionalities had grown to include ‘political’, ecological and military elements, such as democratic constitutions and elections, and increased environmental and decreased strategic expenditures.”¹⁹⁸ Further, while there is widespread agreement that the pressure for democratisation was largely a result of internal consequences, there exists a definitive link between economic (external) and political reform. For liberal economic theorists, this connection was organic as “markets are the ultimate in economic accountability; and elections in democratic accountability.”¹⁹⁹ Critiques of this position abound, but for the present purposes, there is widespread agreement that the market-driven SAP imparted large negative consequences, not only on the poor in Africa, but also constrained the growth of the middle and upper classes. With regard to the second part of this dichotomy, Ottaway argues that elections merely became part of the expansion of the ‘democracy industry’ and there weren’t sufficient practical factors *on the ground* to warrant an emphasis on their centrality to democracy.²⁰⁰

Thus, by the 1980s, after the harsh effects of the initial global economic crisis, “economic constraints meant that the state could no longer deliver the ‘goods’ demanded by societal groups because of severe constraints on its financial and administrative capabilities, the economic crisis turned into a political crisis.”²⁰¹ Indeed, in the face of a declining economy, there was an increased inability of the state to regulate society, and rather paradoxically, the state assumed authoritative powers while exerting less and less control over society.²⁰² As noted, part of the rationale for the imposition of SAP was to redefine and ‘temper’ the machinations of the Africa state. However, the link between superior democratic performance and the nullification of the authoritarian impulse as posited by economic adjustment policies,

¹⁹⁷ Timothy Shaw and Sandra MacLean, ‘Civil Society and Political Economy in Contemporary Africa: What Prospects for Sustainable Democracy?’ *Journal of Contemporary African Studies*, 14,2 (1996), 248

¹⁹⁸ Shaw and MacLean, 249

¹⁹⁹ Woodward quoted in Southall, ‘Democratisation Perspectives in Africa,’ 8

²⁰⁰ Shaw and MacLean, 249; Southall, ‘Democratisation Perspectives in Africa,’ 8; and Ottaway, 5

²⁰¹ Ravenhill cited in Rakner, 44

²⁰² Rakner, 45. Also, Adebayo Olukoshi, ‘Economic Crisis, Multipartyism and Opposition Politics in Contemporary Africa’ in Adebayo Olukoshi (ed.) *The Politics of Opposition in Contemporary Africa* (Uppsala: Nordiska Afrikainstitutet, 1998), 20

was not necessarily proven by the institution of these programmes. Rather, a potential effect was “popular de-participation in the political process in most African countries.”²⁰³ Moreover,

[...] structural adjustment [has] simply meant a continuation or worsening of austerity for a majority of the populace, it should not be shocking that a process of mass de-participation has crept into the political landscape of countries which only a few years earlier were gripped by popular campaigns for reform [...] The failures of the governments elected as part of the current quest for democratisation in Africa to effectively address the socio-economic concerns of the populace [...] translated into a growing disillusionment with politics generally and ‘democratic’ politics in particular.²⁰⁴

While this negative analysis of the ‘de-participation’ of civil society is an important contention, it can also be argued that the removal of the state from the market and weakening systems of patronage allowed for the emergence of autonomous actors to play a greater role in both the political and economic spheres as the “hegemony of the politicians and bureaucrats” is broken.²⁰⁵ As such, it is argued that

[The] period of economic adjustment and structural reordering set the stage for the further expansion of associational life [...] permitting the re-emergence of the *outlines of civil society* in forms not dissimilar to those that prevailed on the eve of decolonisation. The impetus for additional associational growth not only yielded further institutionalization, but also fostered additional group diversification with important implications for regime orientation in the 1990s.²⁰⁶

While it is inferred from the above that civil society ‘re-emerged’ during the period of adjustment, in the study of trade unions in the Southern Africa political sphere, such a position is problematic. The union movement, as will be demonstrated, was active in promoting political change, even if more tacitly than overtly. That the “internal structure of different organizations and their capacity to mobilize human and material resources” has an effect on their central role in civil society bears witness to this.²⁰⁷

Given their proximity to the key liberation movements in the struggle for independence, and moreover, their centrality to the process of decolonisation, trade

²⁰³ Olukoshi, 28

²⁰⁴ Olukoshi, 28-29

²⁰⁵ Hadenius and Uggla, 1630

²⁰⁶ Chazan, 272, author emphasis

²⁰⁷ Chazan, 273

unions were primed to play an important role in the political economy in postcolonial African countries. Not merely assigned to the role of representing organised workers, the influence of trade unions was to extend to the creation and implementation of national development policies after independence.²⁰⁸ But the coming of independence instead created a crisis in government-union relations in Africa as the dominance of the state purported to dictate the roles that trade unions were to play in the creation of new national societies.²⁰⁹ Indeed, this stood in contradistinction to union aims, for as Lofchie and Rosberg argue, “effective union participation in the process of nation-building requires a more clearly prescribed role for unions and far closer cooperation between unions and political leadership than was present during the era of nationalism,” and this effort underscored attempts by the new governments to institutionalise restrictive controls over the trade union movement.²¹⁰ The effect of this was to contain trade unionism, for as Kraus argues,

An alliance of sorts between a union movement and a dominant party in a non-politically competitive environment has led repeatedly to the suppression of union autonomy and power by the state. Such alliances have proved no more successful in sustaining union power when both the unions and the political party regard themselves as socialist and working for the interests of the popular classes.²¹¹

While an overt union-party alliance would thus lead to a suppression of union autonomy, there were more surreptitious means of coopting trade unions. Perhaps the most prevalent, came through the appointment of labour leaders into important functions in the independent government. As such, trade unions were weakened for while the union leadership “retained their union positions, frequently they had also taken on much broader responsibility,” thus either downgrading labour interests, or “using the labor movement for their own political interests.”²¹² While trade union movements constituted an important rallying point in civil society through the state

²⁰⁸ Arnold Zack, ‘The Development of Trade Unions in New Nations,’ in Willard Beling (ed.) *The Role of African Labor in Nation-Building* (New York: Fredrick Praeger Publishers, 1968), 95-96

²⁰⁹ Michael Lofchie and Carl Rosberg, ‘The Political Status of African Trade Unions,’ in Willard Beling (ed.) *The Role of African Labor in Nation-Building* (New York: Fredrick Praeger Publishers, 1968), 3

²¹⁰ Lofchie and Rosberg, 3

²¹¹ Kraus quoted in Johann Maree, ‘The Past, Present and Potential Role of the Democratic Trade Union Movement in South Africa,’ Paper presented at the conference on *The South African Economy After Apartheid*, University of York, United Kingdom, September-October, 1986, 20

²¹² Zack, 96

re-construction process, the development of one-party regimes allowed for the gradual undermining of trade union autonomy. Zack argues that

Involving labor leaders in affairs of the party and government, the party diverts the attention of union leaders; providing buildings and financial support to the labor movements, the party subordinates the movement logistically to the party; substituting legislation in the name of national development for traditional union methods to achieve labor's goals, the party emasculates the labor movement of its very reason for existing; and of particular interest, the party finally severs the movement's ties with fraternal international organizations that might be able to assist the movement to maintain or regain its autonomy.²¹³

It is evident then that the subordination of the trade union movement in postcolonial Africa generally, stood in sharp contrast to the late colonial period when unions enjoyed significant autonomy from national liberation parties and political movements. Indeed, "nationalism did not demand that unions define their relationship to politics in a precise way. The ideology of nationalism was diffuse, and any sort of opposition to colonial rule constituted an acceptable and important contribution to the struggle for independence. Since the goal of nationalism was to undermine the legitimacy and authority of alien European rule, unions were able to render valuable assistance to nationalism merely by sharing and articulating the anticolonial values of the nationalist movement."²¹⁴ However, while nationalist movements couched themselves in the ideology of a socialist post-independence state, it appears that this was more rhetoric than commitment, and a means to galvanise support and assistance for the liberation drive. This lack of commitment to the ideology of socialism also belies the lack of a class nature of the liberation struggle, for as MacFarlane has asserted,

The struggle for national liberation is seen principally as a national one, than as a class struggle within nations [...] Class struggle was a means of consolidating national unity through overcoming internal contradictions, through the integration of isolated elements of the population into the national whole.²¹⁵

²¹³ Zack, 96

²¹⁴ Lofchie and Rosberg, 4

²¹⁵ MacFarlane quoted in Maree, 'The Past, Present and Potential Role of the Democratic Trade Union Movement in South Africa,' 20

From this, it is important to note that like civil society, national liberation movements themselves were not homogeneous constructions, but rather were composed of a plurality of interests. As such, the “working class is not hegemonic in the national movement and working class interests are subordinated to those of other classes in the struggle for national liberation.”²¹⁶ After independence, the necessity for sound economic management and the development of a viable economy further necessitated the subjugation of working class interests to broader economic goals.

It is noted above, that civil society organisations through the process of state re-organisation and economic adjustment were still active in the civil sphere. Indeed, while attempts at subordination and control of elements of civil society marked the political landscape, trade unions in particular continued to ‘chip at the state from below.’²¹⁷ In the mire during the period of adjustment, trade unions became the main arena for mass expression, and through the utilisation of strikes, they were able to shift discontent from economic issues to broader political ones as they had done during the immediate pre-independence period.²¹⁸

African’s political economy should be viewed as a continual process of renewal and decline – of transitions to and regression from democracy. As the discussion above has illustrated, there have been strong continuities from the independence period and into the 1970s and 1980s. Indeed, forms of government and the exercise of state power have shared similarities with the colonial period of rule. In the present conjuncture, a cursory evaluation of political reform on the continent reveals a trend towards multipartyism and liberal democracy. But his reform is superficial, and its cyclical nature has allowed commentators to conclude that,

Nowhere does the consolidation of democracy face larger obstacles than in Sub-Saharan Africa, where the foundation on which democracy must be built, is very weak. The African state has failed both economically and politically. In general, Africans are as poor today as they were thirty years ago. At

²¹⁶ Maree, , ‘The Past, Present and Potential Role of the Democratic Trade Union Movement in South Africa,’ 20

²¹⁷ Chabal, 93

²¹⁸ See for example John Wiseman, ‘Introduction: The Movement Towards Democracy – Global, Continental and State Perspectives,’ in John Wiseman (ed.) *Democracy and Political Change in Sub-Saharan Africa* (London: Routledge, 1995), 5

the same time, the large majority of African states have so far failed to institutionalize any form of effective rule, be it authoritarianism or democracy²¹⁹

Indeed, given the superficiality of reform and the failure of the state, there is duality in the approach of governing. As Przeworski argues that “governments tend to vacillate between the technocratic political style inherent in market-oriented reforms and the participatory style required to maintain consensus.”²²⁰ This vacillation, while endemic to most African states, belies a greater tendency toward authoritarian economic measures that seek to undermine and subordinate social and political forces that oppose the economic adjustment measures. Moreover, what occurs politically in Africa is the creation of a hybrid form of governance: one that is patrimonial, while still holding to modern ambitions of regulating and guiding all aspects of social and economic life.²²¹ As such, it has been noted that “autocracy is still alive and kicking in Africa. In fact, it is more cunning than ever, image-conscious, and sophisticated in its ability to manipulate democracy, human rights and social justice.”²²²

As such, civil society organisations have had to endure further attempts at cooptation and repression and the consolidation of democracy, has further highlighted both the strengths and weaknesses of civil society and trade unions in particular. The analysis which follows, uses this broad context to locate and assess the ability of trade unions to promote and consolidate democracy. While there is considerable variation among the cases of South Africa, Namibia, Zimbabwe and Swaziland, there are also strong similarities between the experiences of each.

²¹⁹ Julius Ihonvbere, *Economic Crisis, Civil Society and Democratization: The Case of Zambia* (Trenton: Africa World Press, 1996) 27

²²⁰ Adam Przeworski, *Democracy and the Market*, (Cambridge: Cambridge University Press, 1991), 183

²²¹ Ottaway, 12

²²² Ihonvbere, ‘Where is the Third Wave? A Critical Evaluation of Africa’s Non-Transition to Democracy,’ 16

PART II

TRADE UNIONS AND DEMOCRACY IN SOUTH AFRICA, NAMIBIA, ZIMBABWE AND SWAZILAND

University of Cape Town

5.

SOUTH AFRICA

NEGOTIATING APARTHEID

The history of early apartheid labour relations was characterised by a process of the active exclusion of African workers. Indeed, akin to the wider colonial experience in Southern Africa, the regulation and control of African workers was premised on the ability of legislation to institute exclusionary practices that denied African workers voice and representation. The hallmark of South African industrial legislation in the 1950s was the Industrial Conciliation Act (ICA), which by removing 'Bantu' from the definition of 'employee', effectively curtailed African workers' participation through collective bargaining processes and prohibited recourse to strike action. However, while there was limited participation of black trade unions in this period, the effect of the post-war economic recession and the increasing antagonism of the National Party government toward African labour contributed to the deterioration of African trade unions.²²³

At the political level, the overt attempt to emasculate African workers and workers' organisations, while successful, also served to foment opposition to the apartheid regime. Adler and Webster argue further that this opposition was augmented by significant changes in the South African economy during the 1960s that provided the conditions upon which Black workers could (re-) establish industrial unions. While

²²³ Prior to this legislation, however, African trade unions did exist. As early as 1918, with the Industrial and Commercial Workers' Union, trade unions were operating in South Africa, achieving some measure of growth and success into the 1940s. But, the decline of trade unions in this period was due to among others, the lack of statutory recognition which made operating very difficult, and by 1950, the Suppression of Communism Act introduced after the National Party assumed power in 1948. See, International Labour Organisation (ILO), *Ninth Special Report of the Director General on the Application of the Declaration Concerning the Policy of Apartheid in the Republic of South Africa*, ILO Labour Conference, 58th Session, 1973, Geneva, 3-5. Further, it should be noted that the emergence of the South African Congress of Trade Unions (SACTU) in 1955 and its involvement in the Congress Alliance was premised on the fact that only through a national democratic struggle could South Africa be liberated.

with “growing centralisation and concentration of capital led to growth in the absolute size of workplaces and a tremendous advance in their technological sophistication.”²²⁴ The increased demand for Black labour, as neither White nor immigrant workers were able to meet this demand, was nevertheless controlled by the racial division of labour in which “[R]acially discriminatory practices affected every aspect of the employment relationship.”²²⁵ But the increased power of black workers “accompanied by a growing awareness and confidence [...] in their economic power” manifested itself in growing militancy into the 1970s. At this time, the trade union movement embarked on a period of organisational consolidation in the workplace by focusing essentially on “the development of a cadre of shop-stewards integrally linked into the constitution and decision-making structure of the union.”²²⁶ Through this decentralisation and the primacy placed on internal democracy, trade unions were ‘inadvertently’ equipping themselves to translate workplace organisation into their formation as a decisive political agent.

Against the backdrop of an economic recession and greater state repression in the 1970s, the surge in worker militancy that led to the 1973 Durban strikes marked the moment of the re-emergence of the labour movement as a prime agent in the pursuit of democracy.²²⁷ Despite this, and in the context of the legal proscription of national liberation movements and their ideological disposition to a greater ‘shop-floor’ orientation, unions chose a strategy of “eschewing political action outside production.”²²⁸ Thus unions were more inclined to increase their organisational capacity, develop leadership and increase membership.

²²⁴ Adler and Webster, ‘Challenging Transition Theory: The Labor Movement, Radical Reform and Transition to Democracy in South Africa,’ 78

²²⁵ Adler and Webster, 7 Challenging Transition Theory: The Labor Movement, Radical Reform and Transition to Democracy in South Africa,’ 8

²²⁶ Halton Cheadle cited in Adler and Webster, 79

²²⁷ In addition, there was a tightening of influx controls and contract labour, and stricter control over the provision and restructuring of black housing.

²²⁸ Eddie Webster, ‘The Politics of Economic Reform: Trade Unions and Democratization in South Africa,’ *Journal of Contemporary African Studies*, 16,1 (1998), 45-46. Also, Adler and Webster, ‘Bargained Liberalisation: The Labour Movement, Policy Making and Transition in Zambia and South Africa’ 20

The 1980s however signalled a shift in trade unions' orientation toward political abstentionism.²²⁹ Black workers began experiencing the greater effects of social and political crisis and with the emergence of a number of social movements, there was the realisation that the struggle for workers rights, improved wages and working conditions were intimately linked to popular demands for political democracy, economic equity and the end of apartheid.²³⁰ The effect of this realisation moreover, was witnessed by closer organisational relations between the newly formed Congress of South African Trade Unions (COSATU) in 1985 which aimed to amalgamate the shop-floor tradition with the political orientation of the banned ANC and SACP. Thus, the politicisation of industrial relations occurred with this re-orientation of the labour movement. Indeed, the centrality of unions as key actors in the processes of social and political opposition through both workplace related demands and its opposition to apartheid, created the conditions for 'political unionism.'

This political unionism was supported by the general 'awakening' of civil society and social movements which by the mid-1980s, was witnessed by the direct challenge of the apartheid state.²³¹ With this support, in addition to labour's strong and broad-based organisational structures and the liberation movement banned or in detention, COSATU emerged as the *de facto* leader of the internal democratic movement.²³² The labour movement however, emphasised its political independence and its "tactical flexibility" to compromise with both the state and employers, an antithetical posture to the political and military struggles of the ANC and its internal allies who asserted that engagement with the state would lead to cooption of internal opposition forces. Labour however acted to engage the state:

[...] from an independent and disciplined power base resting on strong factory structures, held together through practices of democratic accountability. The differences between these two strategic visions

²²⁹ The Federation of South African Trade Unions (FOSATU) was the operative union that reneged on the idea of political abstentionism. In 1985, and due to the engagement of unions in political issues, COSATU was formed.

²³⁰ Barchiesi, 26

²³¹ Civil society here incorporated the full spectrum of youth, student, civic and community based unions which contributed growing opposition in the township especially in 1984

²³² Adler and Webster, 'Bargained Liberalisation: The Labour Movement, Policy Making and Transition in Zambia and South Africa', 19

caused innumerable conflicts between the emerging unions on the one hand and the exiled ANC and the developing internal political movement on the other.²³³

The increased mass action during latter part of the 1980s, evidenced through increasing strike action and township 'ungovernability,' led to the promulgation of the Labour Relations Amendment Act of 1988 in an attempt to hinder union power. However, these moves were met with increased mass action and protest, leading to employers abandoning their support for a labour-repressive legal framework. These moves and such engagement allowed trade unions a distinct role in which to engage with the transition to broad-based democracy.

With the realisation that the future of the apartheid project was unsustainable and that reforms were imminent, the unbanning of the African National Congress (ANC) signalled the beginning of the process of a transition to democracy. Perhaps presciently, as early as May 1990, labour federations, employer organisations and the then Department of Manpower signed the Laboria Minute in which anti-union measures from the Labour Relations Amendment Act were repealed. Furthermore, it allowed for employers organisations and trade unions to consider all future labour laws before being submitted to parliament. Finally institutionalised in the Labour Relations Amendment Act of 1991, these reforms allowed the labour movement to enter the transition period "not as a wounded giant hobbled by an authoritarian regime, but as a movement with unprecedented freedom of action."²³⁴

THE ASSERTION OF HEGEMONY

Due to the confluence of aspirations between the ANC-South African Communist Party (SACP) and COSATU, their position was consolidated under the banner of the Tripartite Alliance, in which it was envisioned that neither of the parties played a subordinate role to each other. The reality however was different. The beginning of the process of transition also signalled the beginning of tensions within the Tripartite

²³³ Adler and Webster, 'Bargained Liberalisation: The Labour Movement, Policy Making and Transition in Zambia and South Africa', 19

²³⁴ Adler and Webster, 'Bargained Liberalisation: The Labour Movement, Policy Making and Transition in Zambia and South Africa', 19

Alliance. The 'marriage' of the shop-floor tradition and the precepts of political unionism, as noted above, was the ideological grounding upon which COSATU formed. It further "committed itself to participation in the national democratic struggle *under the leadership* of the ANC," and sanctioned the latter as "the leading element of the liberation struggle."²³⁵ Nevertheless, for labour, its dominance in the political arena leading up to the transition meant that it would continue playing an equal and independent role during the transition.

However, its exclusion from the Conference for a Democratic South Africa (CODESA) negotiating forum which was tasked with drafting an interim constitution and determining transitional political arrangements, signalled the establishment of ANC hegemony within the Alliance.²³⁶ CODESA came to represent the first attempt at a democratic "parliament-in waiting" as it was charged with drafting the interim constitution and reaching consensus on the transitional arrangements. The exclusion from CODESA of civil society organisations that led the struggle in the 1980s, to political parties, marked a broader shift in the balance of forces in the South African political sphere.²³⁷ With COSATU's application for membership refused, its interests were to be circuitously represented by the ANC and SACP.²³⁸ It should be borne in mind however, that despite the emergence of ANC hegemony, COSATU was never subordinated owing to its separate and strong organisational and leadership structure and its independence from the ANC.

The close association between organised labour and the ruling ANC, while formed at the political level, also translated into strong support for the ruling party at the workplace level as evinced by the electoral support for the ANC. A study conducted in early 1994, indicated that workers "generally transferred their understanding of trade union shop-floor democracy directly to their expectations of parliamentary

²³⁵ Webster, 'The Politics of Economic Reform: Trade Unions and Democratization in South Africa,' 45-46. author emphasis

²³⁶ Eddie Webster and Glenn Adler, 'Exodus Without a Map? The Labour Movement in a Liberalising South Africa' in Bjorn Beckman and Lloyd Sachikonye, *Labour Regimes and Liberalisation: The Restructuring of State-Society Relations in Africa*, (Harare: University of Zimbabwe Press, 2001), 131

²³⁷ Webster, 'The Politics of Economic Reform: Trade Unions and Democratization in South Africa,' 48

²³⁸ Webster argues that the NP government blocked its application and this was *presumably* not challenged by the ANC

democracy.”²³⁹ With the advent of a non-racial democracy within grasp, the expectation of workers was that the political party (in this case the ANC) would “display the same degree of representativeness and accountability as practised by their shop stewards on the shop-floor.”²⁴⁰ With the elections in 1994, the ANC, SACP and COSATU found common ground on the basis of the Reconstruction and Development Programme (RDP). The programme was seen to be mutually beneficial to all parties. On the hand, the ANC ‘latched’ onto the RDP to enhance its credibility with the movement by supporting a participatory programme of economic and social transformation, while on the other, it allowed the labour movement and the SACP to inform the policy direction of the ANC.²⁴¹

The central tenets underpinning the programme were to build a ‘people-centred society’, in which civil society were allowed active and continuous participation in democracy, reconstruction and development. Despite the rhetorical commitment to a people-centred development agenda, the programme suffered ultimately from incoherence and fragmentation, and was riddled with contradictions. Indeed, Rapoo contends that the “RDP has come to mean anything anyone wants it to mean; with a little ingenuity, anything can be made to fit in with the goals of the RDP.”²⁴² In contradistinction to the precepts of the RDP, the Growth, Employment and Redistribution (GEAR) policy shifted course, and instituted a more neoliberal macroeconomic policy. The logic underpinning GEAR – at its implementation deemed to be ‘non-negotiable – was premised on policies for an outward-oriented industrial economy, to create a competitive environment for investment and economic growth in accordance with the prevailing economic orthodoxy. Dubbed as ‘home-grown structural adjustment’, GEAR’s policy prescriptions have been ubiquitous in informing the political economy of South Africa.

²³⁹ Johann Maree, ‘The Participatory Democratic Tradition and South Africa’s New Parliament: Are They Reconcilable?’, *African Affairs*, 97 (1998), 40

²⁴⁰ Maree, ‘The Participatory Democratic Tradition and South Africa’s New Parliament: Are They Reconcilable?’ 40. A study by Geoffrey Wood conducted in 1998, displayed that despite the failure of these expectations, 74,8 percent of respondents still favoured the Alliance as the “best way to safeguard workers interests at the national level, see Geoffrey Wood, ‘The Politics of Trade Unions in Transitions: The Case of the Congress of South African Trade Unions,’ *Comparative Politics*, 8,2 (2002), 129-143

²⁴¹ Webster and Adler, ‘Challenging Transition Theory: The Labor Movement, Radical Reform and Transition to Democracy in South Africa,’ 132-133

²⁴² Thabo Rapoo quoted in Hein Marais, *South Africa – Limits to Change: The Political Economy of Transition* (Cape Town: University of Cape Town Press, 1998), 191

The adoption of GEAR signalled not only a shift in the posturing of government toward development and economic policy, but also served to illustrate the growing gap between the aspirations of the labour movement and the state. Moreover, it has been contended that by choosing a neoliberal path of economic management, the ANC effectively distanced itself from its 'struggle legacy.'²⁴³

The highly vocal criticism levelled against the policy created much dissonance between the parties in the Alliance, especially since GEAR failed to meet the growth and employment targets it set.²⁴⁴ The labour movement was thus in a precarious position, now playing a secondary role in the political economy and attempting to influence ANC policy through lobbying and pressure rather than exercising direct power over decisions. For labour, this subordination highlighted larger problems of the redefinition of its role "from one of resistance to one in which resistance is complemented by a more positive role" in the process of the reconstruction of South Africa.²⁴⁵

This 'positive role' was facilitated through the prior formalising of corporatist arrangements with the merging of the National Manpower Commission and National Economic Forum to form the National Economic Development and Labour Council (NEDLAC). Essentially, through this institution, adversarialism is minimised through regulated bargaining and thus to some extent, "politically motivated restructuring by the state is dependent on reciprocal consent by labour and business" (including civil society organisations under NEDLAC).²⁴⁶ Through these arrangements, unions have been able to increase the space, scope and influence of their activity, as NEDLAC has become the forum in which all legislation pertaining to the socio-economy are considered before it is introduced in parliament. But the overarching imperatives of

²⁴³ Stefan Andreasson, 'The African National Congress and its Critics: 'Predatory Liberalism'', Black Empowerment and Intra-Alliance Tensions in Post-Apartheid South Africa,' *Democratization* 13,2, (2006), 305

²⁴⁴ For a good synopsis of legacy of GEAR, see Judith Streak, 'The Gear Legacy: Did Gear Fail or move South Africa forward in development', *Development Southern Africa*, 21,2 (2004),271-288

²⁴⁵ Ian Liebenberg, Fiona Lortan, 'The Role of the Labour Movement in the Struggle for Liberation,' in Ian Liebenberg, Fiona Lortan, Bobby Nel and Gert van der Westhuizen, *The Long March: The Story of the Struggle for Liberation in South Africa*, (Pretoria: HAUM Publishers, 1994), 234

²⁴⁶ Heribert Adam, Fredrik van Zyl Slabbert and Kogila Moodley, *Comrades in Business: Post-Liberation Politics in South Africa* (Cape Town: Tafelberg Publishers, 1997), 140

GEAR have led to conclusions that it is the “orienting framework for NEDLAC.”²⁴⁷ Labour’s scorecard on gains made through NEDLAC is mixed. While important interventions have been made particularly within the ambit of labour legislation, a variety of problems have limited the ability of labour to utilise NEDLAC sufficiently. Moreover, the consensual nature underscoring the operation of NEDLAC bring certain drawbacks: essentially, it is the “strongest voices [that] divide the spoils while the most marginalised and hence the most needy sectors are excluded.”²⁴⁸

The first real test of the social partners’ ability to engage through NEDLAC was on the Labour Relations Bill in 1995. The Act purported to bring “a new vision of work and industrial relations” to South Africa by responding to global circumstances and the “possibility of greater cooperation between management and labour in the workplace.”²⁴⁹ While the Act brings all employees under one industrial relations system where collective bargaining can take place, it does not make such bargaining compulsory, rather it extends the notion of ‘voluntarism’ into the industrial relations framework. The Act also improves the dispute resolution procedures through the creation of the Commission for Conciliation, Mediation and Arbitration (CCMA) and establishes clear rules on dismissal. In addition, the Act introduced the idea of workplace forums that provide workers with “statutory rights of co-decision making in the workplace.”²⁵⁰ On the whole, the Act “asks the unions to be responsible at different levels, from effectiveness in the use of an independent power to make the whole system viable, to a new role as brokers of stabilization and industrial peace in the development process.”²⁵¹ But the Act had its detractors. Far from instituting new mechanisms of regulation, the LRA rather “comprises weak measures to encourage collective bargaining and co-determination within a voluntarist framework.”²⁵² The legislation also received polarised responses from trade unionists, who argued that it would “demobilise and disorganise organised labour through restrictive arbitration

²⁴⁷ Keith Gostner and Avril Joffe, ‘Negotiating the Future: Labour’s Role in NEDLAC’ in Glenn Adler (ed.) *Engaging the State and Business: The Labour Movement and Co-Determination in Contemporary South Africa*, (Johannesburg: University of the Witwatersrand Press, 2000), 89

²⁴⁸ Marais, 231

²⁴⁹ Webster, ‘The Politics of Economic Reform: Trade Unions and Democratization in South Africa,’ 53

²⁵⁰ Webster, ‘The Politics of Economic Reform: Trade Unions and Democratization in South Africa,’ 555. ‘Voluntarism’ indicates specifically no mandatory duty to bargain imposed by law.

²⁵¹ Franco Barchiesi, ‘South Africa in Transition: Scenarios Facing Organised Labour,’ *Critical Sociology*, 22,3 (1996), 100

²⁵² Gregor Gall, ‘Trade Unions and the ANC in the ‘New’ South Africa,’ *Review of African Political Economy*, 72 (1997), 212

and co-determination,” and rather replicated many of the provisions of the 1979 and 1981 Acts.²⁵³

THE TIPPING POINT

Any analysis of the ability of trade unions to promote and defend democracy in South Africa needs to place primacy on the dynamics between the Alliance partners both in the design and implementation of GEAR, and the effects of the policy thereafter. Indeed, much of the discourse of opposition within and between the Alliance partners in the decade post-implementation has centred on the effects and outcomes of the policy. More than being the primary arena over which contestation between the ANC-SACP-COSATU triumvirate has occurred, GEAR also represents the tipping point in the balance of forces between the alliance partners, and by extension, the ability of the trade union movement to promote and defend democracy. Thus, despite the ambiguous gains made through the institutionalisation of workers' rights and organised labour's increased representation, a more troubling aspect of political liberalisation in South Africa has been the incipience of 'illiberality.'

By 1998, and in response to growing tensions between COSATU and the ANC over GEAR's lack of performance, both President Mandela and then Deputy-President Mbeki reprimanded alliance partners for internal dissent on the policy, the former accusing the trade unions "of being 'selfish' and 'sectoral', bent on protecting their interests at the *expense of the nation*."²⁵⁴ Mbeki, more critically went on to argue that,

The struggle for the genuine emancipation of the masses of our people is not over and will not be over for a long period of time. The objective reality means that the basis does not exist for the partners in the Alliance fundamentally to redefine the relationship among themselves, including the way they handle their differences and contradictions.²⁵⁵

²⁵³ Gall, 211-212. See also Barchiesi, 102-104

²⁵⁴ Webster, 261, Author emphasis

²⁵⁵ Dale McKinley, 'Democracy, Power and Patronage: Debate and Opposition within the African National Congress and the Tripartite Alliance since 1994,' in Roger Southall (ed) *Opposition and Democracy in South Africa* (London: Frank Cass Publishers, 2001),197

In essence, what Mbeki aimed to demonstrate here was the ANC's inclination to stop Alliance partners (especially the SACP) "thinking and acting as it was an independent organisation that had its own political voice and could make its own strategic choices, if it wanted to stay in the alliance."²⁵⁶ With the ANC's hegemony keenly asserted, internal opposition and dissent would be curtailed. Ideologically moreover, the ANC have constructed an important dialectic to temper organised labour by counterposing workers' demands "to the plight of the unemployed and poor."²⁵⁷ The application of this essentially entails the use or creation "of potential conflicts to force unions to choose between possibly debilitating strikes or settle on below par terms."²⁵⁸ The most apt demonstration of this was the 1999 public sector wage dispute, "during which a government minister accused unions of 'infantile leftism' and 'narrow trade unionism. Propagated was a caricature that contrasted workers' demands with the transformation of society."²⁵⁹

However, it would be fallacious to view the relationship between the partners as outright antagonism. Rather what emerges is a 'double-manoeuvre' – that while taming reaction and stifling dissenting voices amongst the Alliance partners, the ANC adopts more conciliatory approaches to unity in the alliance and harmony in their mutual aspirations. And by all indication, the alliance partners have succumbed to these conciliatory approaches. The effect of this has not been to demonstrate the weakness of organised labour, but rather the limits to its ability to influence.²⁶⁰ This limitation is central to understanding the persistence of the alliance. Webster proffers two reasons for this: first, as the largest union federation with a dedicated socialist agenda, affiliate unions "dissatisfied with the leadership of COSATU cannot therefore defect to competitors to the left of COSATU: there are no significant unions outside of COSATU." Rather, where there has been criticism of the Alliance in the movement, open confrontation has been the result.²⁶¹ Second, through the support of

²⁵⁶ McKinley, 197

²⁵⁷ Marais, 185

²⁵⁸ Marais, 185

²⁵⁹ Marais, 185

²⁶⁰ Marais, 185

²⁶¹ Webster, *The Alliance Under Stress: Governing in a Globalizing World*, 266-67. One example Webster proffers of this is the dispute at Volkswagen in January 2000. He argues that "[W]orkers at Volkswagen were asked to sacrifice their hard-earned gains in order to secure an overseas contract. This divided the workforce, with union leadership supporting the intensification of work arguing that the agreement 'was the not perfect but in a capitalist environment, it was the best we could do to ensure

the ANC in both the 1994 and 1999 (and more lately the 2004) elections, “union leaders are therefore likely to want to co-operate with the government in the *hope* of influencing it, rather than opting for the political wilderness.”²⁶² But this reasoning is in itself problematic, for by COSATU’s own admission, agreements in this Alliance suffer from not “being taken forward through ‘detailed work’” further, “because Alliance agreements appeared to have a limited impact on thinking at the level of government.”²⁶³

A third, more critical but applicable, reason exists. Notably, the “Alliance represents opportunities for social mobility within the Alliance and beyond. Also, currently in South Africa, poverty is quite deep, so COSATU members are fully employed and permanent, and surrounded by high levels of poverty and unemployment. So being in the Alliance for members of COSATU is also an important way of *mediating* poverty.”²⁶⁴ Thus, while for unions it is expedient – politically, economically and socially – to remain in the alliance, the *dependency* on the ruling party has manifested itself in the form of a ‘bullying’ partner in the ANC.²⁶⁵ It is this dominance, even arrogance, of power in the political realm which has allowed the ANC to gradually close the space in which both political and civil society operate. Facilitating this, was the ANC’s ‘bureaucratisation’ in which SACP Deputy Secretary-General and ANC Member of Parliament Jeremy Cronin argued that,

[...] there are tendencies now of what some of us refer to as the *zanufication* of the ANC. You can see features of that, of a bureaucratisation of the struggle: ‘Thanks very much. It was important that you mobilised then, but now we are in power, in power on your behalf. Relax and we’ll deliver. The

creation of jobs in a sea of unemployment in the areas.’ This pragmatic approach was rejected by an older generation of workers [...] who felt that their militant tradition was under threat and that the leadership – with the support of the ANC in the region – was capitulating to the employers. This dispute led to a three week strike ending in the dismissal of the dissident group from Volkswagen and from the union, NUMSA.”

²⁶² Webster, *The Alliance Under Stress: Governing in a Globalizing World*, 267

²⁶³ COSATU quoted in Janet Cherry, ‘Workers and Policy Making,’ in Sakhela Buhlungu (ed), *Trade Unions and Democracy: COSATU Workers’ Political Attitudes* (Cape Town, HSRC Press, 2006), 158. Tony Ehrenreich drew a similar conclusion at a presentation made on *The Role of Trade Unions and Governance*, Isandla Development Dialogue, Cape Town, September, 2005

²⁶⁴ Author Interview, John Appollis: General Industries Workers’ Union of South Africa (GIWUSA) and Anti-Privatisation Forum, 17 November 2005, Johannesburg

²⁶⁵ This point was not missed by Thabo Mbeki, then Deputy-President, when speaking at the 10th SACP Congress in 1998, when he declared that “the death of the ANC which will not happen, would also mean the death of the rest of the progressive movement in our country.” See McKinley, 197

struggle now is counter-productive. Mass mobilisation gets in the way. Don't worry. We've got a plan. Yes, it'll be slow, but be patient and so on. That kind of message has come through.²⁶⁶

This 'zanufication', in reference to the authoritarianism of the Zimbabwe's ruling party, underscores the tendency in the ANC to centralise power and authority within the presidency. With this centralisation, emerges the "politics of personalised supremacy, whereby dominant leaders impose policies, inhibit debate and suppress real or imagined challenges to their leadership."²⁶⁷ Further, this politics of personalised supremacy is accompanied by a culture of "centralised decision-making, unquestioned loyalty, no public criticism and the preordained election of leaders."²⁶⁸ With the entrenchment of such culture, the influence of COSATU-affiliated officials elected to parliament under the patronage of ANC, has been limited as they have not been able to put forward significantly the 'progressive' agenda in the party.²⁶⁹ It is important to remember however, that COSATU while weakened by the assertion of ANC hegemony and the ascendancy of neoliberal policies, nevertheless had recourse to industrial action in protest of government policy. However, with increasing tension between the labour and the state over economic policy, an anti-privatisation strike in 2002 was met with the rhetoric 'ultra-Leftism' from the ANC, criticising all those in the alliance (while not naming them) of treating the government and the ANC as their enemy and "accus[ing] this ultra-left' of abusing internal democracy by seeking to advance its agenda against policies adopted by the ANC's most senior decision-making structures."²⁷⁰ Through this rhetoric of destabilisation of the party – the final liberator – the ANC effectively makes *itself* the victim of opposition instead of the policies that it purports. In so doing, it deflects attention away from key issues to subsidiary and indeed, conspiratorial ones. With the failure of the strike, the ANC

²⁶⁶ Helena Sheehan, Interview with Jeremy Cronin, Cape Town [Accessible Online] <http://www.comms.dcu.ie/sheehan/za/cronin02.htm> [2002, 24 January], our emphasis

²⁶⁷ Roger Southall, 'The State of Party Politics: Struggles within the Tripartite Alliance and the Decline of the Opposition,' in John Daniel, Adam Habib and Roger Southall (eds.), *State of the Nation: South Africa, 2004-2004*, (Cape Town: HSRC Press, 2003), 58

²⁶⁸ William Gumede, *Thabo Mbeki and the Battle for the Soul of the ANC*, (Cape Town: Zebra Press, 2005), 292. More recently, these tendencies have prompted COSATU and the SACP to label President Mbeki a 'dictator.'

²⁶⁹ It should be remembered that the 1994 elections saw twenty COSATU candidates released to stand as parliamentary candidates on the ANC's national list, with more released to stand on the local government lists, in the belief that such individuals "would strengthen the capacity of the ANC and at the same time shape the direction towards labour's goals." See Webster, 'The Politics of Economic Reform: Trade Unions and Democratization in South Africa,' 49 for more. Since then, there have been significant placement movement of unionists into the party, civil service and business.

²⁷⁰ Southall, 66

went on the offensive and “accused COSATU of misleading workers and claimed a crisis in its leadership” while also arguing that COSATU leaders were using workers to “destroy the ANC by making them go on strike.”²⁷¹

THE AMBIVALENCE OF ANC DOMINANCE

More than instituting the rhetoric of destabilisation and the notion of victimhood, the ANC has also embarked on more virulent attempt at controlling extra-parliamentary opposition. Indeed, while the trade union movement sought to influence the ideological and practical direction of the ANC by increasing its representation in the party, the latter rather displays an open agenda of cooptation of civil society actors. This was evident in a resolution at the 2002 ANC National Conference which propagated the view that “ANC cadres [should] actively participate in civil society structures and *utilise them as the arena of asserting the hegemony of the ANC.*”²⁷² The closing of political space for dissent and opposition and the open attempts by the ANC to assert its hegemony in civil society, is further underscored by the disdain and threatening vitriol with which the party views opposition and dissent from civil society, and social movements in particular. As President Mbeki asserted,

Our movement and its policies are also under sustained attack from domestic and foreign left sectarian factions [...] They do not hesitate to tell blatant untruths about everything [...] We must make the point very clear that we will respond in adequate measure to those who treat us as their enemy.²⁷³

Such statements are illuminating in understanding the scope and nature of the incipient regression of democratic rights and freedoms. While this regression is constrained through the constructive tension between constitutional primacy and sufficiently functioning (although in many cases under-performing) institutional support of democracy, true consolidation would require more than meeting these

²⁷¹ Southall, ‘The State of Party Politics: Struggles within the Tripartite Alliance and the Decline of the Opposition,’ 66

²⁷² Cited in Phiroshaw Camay and Anne Gordon, *Evolving Democratic Governance in South Africa* (Johannesburg: Co-operative for Research and Education, 2004), 441, our emphasis

²⁷³ Quoted in Dale McKinley and Ahmed Veriava, *Arresting Dissent: State Repression and Post-Apartheid Social Movements* (Braamfontein: Centre for the Study of Violence and Reconciliation, 2005), 64

‘procedural minima.’²⁷⁴ Moreover, with the dominance of the ANC and the weakness of parliamentary opposition, democracy in South Africa has been described as ‘low intensity’ – while the formal requirements of democracy are met, democracy operates in an environment of “decreasing competition and declining popular participation.”²⁷⁵ What is needed in South Africa, is the creation of “uncertainty in the system,” and COSATU has failed to entrench such uncertainty for the reason described above.²⁷⁶

South Africa presently struggles to address the historical legacies of underdevelopment of the majority, and some of the main problems affecting the socio-political economy are unemployment, poverty, crime, housing and HIV/AIDS.²⁷⁷ While President Mbeki assumed power on the premise of ‘speeding up’ change and ‘delivering’ on the ANC’s programmes, the measured success of such delivery has been met with a backlash from an increasingly disaffected South African public. Describing this situation it was noted that,

People have given up hope in the institutions that were created in 1994. In the past 19 months, there has been increased resistance, the burning of tyres, and this highlights the fact that this discontent is deep seated. They are not turning to the formal democratic institutions to bring about changes in their lives. There is an increased tendency by the people not to turn to these institutions for change, but rather to rely on their own initiative and resources to bring across their voices to government.²⁷⁸

This increasing disaffection has not been sufficiently allayed by organised labour even though the working class has been most affected by the type of economic policy and lack of delivery that the country experiences. With high levels of unemployment and the trend toward increasing flexibility in the labour market witnessed through employment casualisation and outsourcing of production, the resounding victory of the ANC in the 2004 national election was heralded as “working class victory” by

²⁷⁴ J. Samuel Valenzeula, ‘Democratic Consolidation in Post-Transitional Settings: Notion, Process and Facilitating Conditions’, Working Paper 150, December 1990, 5

²⁷⁵ Southall, 74-75

²⁷⁶ Author Interview, Adam Habib, Executive Director: Democracy and Governance Research Programme, Human Sciences Research Council, 11 December 2005, Cape Town

²⁷⁷ For a good overview of public perception on these issues, see Afrobarometer, *The Public Agenda: Change and Stability in South Africans’ Ratings of National Priorities*, Briefing Paper No. 45, June 2006 [Available Online] <http://www.afrobarometer.org> [2006, 22 June]

²⁷⁸ Author Interview, John Appollis

COSATU.²⁷⁹ Prior to the election, COSATU implored workers to vote for the ANC arguing that:

[...] we have analysed the views of different political parties and their track record since 1994. We have looked at their views on labour rights and the poor. We have gone beyond their easy promises to see what they have done in the past ten years around labour legislation, setting up democratic institutions and ensuring services for our communities [...] Workers throughout the democratic world have suffered when they let conservative anti-worker parties replace *progressive, labour-friendly, social-democratic* governments. Sometimes they were so disappointed with their own political allies that they even voted for conservative parties themselves [...] What did these workers experience? Conservative governments took away their rights to introduce 'a flexible labour market' that was supposed to create jobs. Taxes were lowered on the rich, but services in poor communities were cut. Workers lost their protection without gaining decent work in return. They experienced rising poverty and growing inequality. That is why COSATU's National Congresses have consistently called on workers to vote ANC [...] that the ANC sweeps the national government and all the provinces in the upcoming elections. Otherwise we risk losing our gains in the past ten years.²⁸⁰

It would appear that COSATU is 'blinded' by that fact that the same experiences that have occurred under 'conservative governments,' are precisely the ones that workers have been experiencing in South Africa since the ANC came to power. Yet, the idea persists that the ANC remains 'progressive', 'labour-friendly' and 'social democratic.' It is this 'double-speak' – in contesting the ANC between elections on the lack of tangible gains for the working classes and then unqualified support during an election period – that constrains the ability of the predominant labour federation to contest hegemony and defend democracy. It is swayed by the persistent notion of the ANC being the party "of the racially-oppressed black majority, of the working class and of the wider poor."²⁸¹ This is a highly important factor in understanding the continued alliance between COSATU and the ANC.

²⁷⁹ Quoted in Andreasson, 315

²⁸⁰ Willie Madisha and Zwelinzima Vavi, *Why Workers Should Vote ANC: A Message from the COSATU CEC to Workers and their Families*, [Accessible Online] <http://www.cosatu.org.za/docs/2004/whyworkersvote.pdf> [2004], 1

²⁸¹ Roger Southall and John Daniel, 'The State of Parties post-election 2004: ANC Dominance and Opposition Enfeeblement' in John Daniel, Roger Southall and Jessica Lutchman, *State of the Nation: South Africa, 2004-2005*, (Cape Town: HSRC Press, 2005), 41

LABORATORY OF DEMOCRATIC LEARNING

In 2004, the COSATU Worker Survey revealed that an overwhelming majority of workers displayed support for the ANC and would vote for them in the approaching national election. This strong indication of support was based primarily on the idea that the ANC were committed to the interests of the worker.²⁸² But while an overwhelming majority of workers surveyed expressed support for the ANC, there has been a decrease in their support for the Alliance. These findings are significant, as while it demonstrates the legitimacy conferred on the ANC by workers, it also indicates that workers are willing to contest the ANC. Indeed, it has been noted that even though the majority of workers believe that the ANC has their “interests at heart,” they nevertheless “retain their doubts about either the capacity or will of political parties to represent their cause, and they continue to insist that they need trade unions to protect their interests.”²⁸³ This is augmented if consideration is given the internal democratic practices of COSATU affiliates. As evidence demonstrates, trade unions here can be seen as laboratories for democratic learning.’ Studies on internal democracy within the affiliates of COSATU reveal a consistent, and in instances, strengthening of participatory democracy in the workplace. As Wood and Dibben have concluded, there is an “embedded democratic culture that rewards participation and encourages the maintenance and reconstitution of internal democratic structures.”²⁸⁴

And this has translated into increasing, yet qualified, support for democracy and parliamentarism in the national political sphere. In the 2004 COSATU Survey, 65 percent of workers acknowledged that “elected political institutions are the best place to pursue worker interests,” which ultimately suggests that on balance, “workers’ faith in the democratic polity serving their interests is increasing rather than decreasing, alongside perhaps the increasing domination of political institutions by the ANC both

²⁸² Janet Cherry and Roger Southall, ‘ Union Democracy, Parliamentary Democracy and the 2004 Elections,’ in Sakhela Buhlungu (ed), *Trade Unions and Democracy: COSATU Workers’ Political Attitudes* (Cape Town, HSRC Press, 2006), 78-79

²⁸³ Cherry and Southall, 82

²⁸⁴ See particularly Geoffrey Wood and Pauline Dibben, ‘Broadening Internal Democracy with a Diverse Workforce: Challenges and Opportunities,’ in Sakhela Buhlungu (ed), *Trade Unions and Democracy: COSATU Workers’ Political Attitudes* (Cape Town, HSRC Press, 2006), 54 -58

electorally and more generally.”²⁸⁵ However, cognisance needs to be taken of the fact that

[...] the 26 per cent minority of Cosatu workers who felt that the political institutions were not the best place to pursue worker interests (9 per cent remaining neutral) is a sizeable one, and stands firmly alongside the 54 per cent who felt that political parties cannot be trusted to pursue worker interests.²⁸⁶

This scepticism can be juxtaposed with the emergence of a challenge to the ANC from outside the Alliance structures in the form of civil society groupings challenging government on privatisation, the commodification of social services, and the provision of anti-retroviral drugs. What is interesting is that these groups are constituted essentially of activists frustrated by the Alliance especially after the adoption of GEAR and “working class activists drawn from communities where retrenchments and cost recovery are destroying livelihoods and limiting access to basic goods and services.”²⁸⁷ COSATU has established few formal links with them, and there is agreement both within and outside the Alliance that “vast common ground exists between the social movements and organised labour in which they should collaborate, autonomously and horizontally between grassroots affiliates and rank-and-file members to build working class unity.”²⁸⁸ However, this collaboration does not threaten to break the Alliance, but is more likely to “open up possibilities of coalitions around specific issues.”²⁸⁹

THE INTERNAL CHALLENGE

A further important consideration regards the changing composition of the unionised workforce in South Africa through corporate restructuring under the direction of macroeconomic economic policy, has changed the structure and organisation of the

²⁸⁵ Cherry and Southall, 85

²⁸⁶ Cheery and Southall, 85

²⁸⁷ Devan Pillay, ‘Cosatu, Alliances and Working Class Politics,’ in Sakhela Buhlungu (ed), *Trade Unions and Democracy: COSATU Workers’ Political Attitudes* (Cape Town, HSRC Press, 2006), 167-198. This characterization relies on Buhlungu’s study of the Anti-Privatisation Forum in which a third constituency, namely anti-globalisers, was noted

²⁸⁸ Quoted in Sakhela Buhlungu, Roger Southall and Edward Webster, ‘Conclusion: COSATU and the Democratic Transformation of South Africa,’ in Sakhela Buhlungu (ed.) *Trade Unions and Democracy: COSATU Workers’ Political Attitudes in South Africa* (Cape Town: HSRC Press, 2006), 213

²⁸⁹ Buhlungu, Southall and Webster, 213

workforce “as union members are concentrated in the diminishing core of permanent, full-time employment relations” and leaving the growing “periphery without an organised voice.”²⁹⁰ Longitudinal studies from 1991 show the increase in skilled, supervisory and clerical positions, while there is also a marked trend towards the decrease of unskilled and semi-skilled workers in the federation. One reason for this may be attributed to increasing education levels. The possible effect of these findings is that “in future, COSATU and other unions could find themselves increasingly isolated from the rest of the working class particularly from the new movements formed to mobilise against the effects of economic liberalisation on the working poor and unemployed.”²⁹¹ Further, this isolation could be further augmented by the increased social mobility of better educated unionists.

Sitas has argued that “[W]hile workers with little or no formal education led the mobilisation of the struggle period, the period of democratic consolidation seems to rely on those with higher levels of educational attainment.”²⁹² Moreover, with increased levels of education and better prospects for social mobility, the trend toward the continuance of the ‘brain drain’ in COSATU has become increasingly apparent. However, fomenting this ‘brain drain’ has also been the accusations of increased authoritarianism and dissonance over particular political stances within the federation. The management style of the COSATU general secretary has also been cited as a reason for the departures of many officials. It was argued that, “[H]e rules with an iron fist. He is always shouting at people” and further, that “[P]eople feel they don’t have control over their jobs. He always inserts a political hand on policy issues.”²⁹³ It has been argued further, that there has also been a “centralisation of decision-making within COSATU, its CEC [central executive committee] and its Exco, are the ones making all the decisions, with very little rank and file member involvement in decision-making [...] The internal culture has taken on many features of oligarchy. Branches, regions cannot take any decisions without being sanctioned by the top.”²⁹⁴ Manifestations of this were witnessed earlier. One example of this occurred at the

²⁹⁰ For a good quantitative synopsis, see Sakhela Buhlungu and Eddie Webster, ‘Work Restructuring and the Future of Labour in South Africa,’ in Sakhela Buhlungu, John Daniel, Roger Southall and Jessica Lutchman, *State of the Nation: South Africa, 2005-2006* (Cape Town, HSRC Press, 2006), 253

²⁹¹ Buhlungu and Webster, 254

²⁹² Ari Sitas cited in Buhlungu and Webster, 256

²⁹³ Mail and Guardian

²⁹⁴ Author Interview, John Appollis

Jobs Summit in 1997, where the “COSATU central executive committee set out a militant programme of struggle, [but] the leadership chose to ignore its mandate,” and in effect relegated organised labour to having a weaker influence “in the socio-economic realm.”²⁹⁵

While these developments in the union movement indicate a downward trend in its ability to promote and defend democracy, there are signs of the need to redress the incipient problems. There exists, for the COSATU-aligned think-tank, the National Labour and Economic Development Institute (NALEDI),

[T]he perception that COSATU is anti-progress. There is the perception by those who have the means to paint COSATU as anti-progress and antiquated. It needs to overcome that perception. It needs to get through to other people and not just its primary constituency [...] It also needs to ensure that its membership is informed and behind its positions all the time, and also that it needs to build its internal capacity to ensure that the ideas it represents are not just slogans, but can be proven to be feasible and can be proven to be practical. It needs to build its research capacity, its advocacy capacity, its communication capacity and means recruiting good people for that, and they don't come cheap. Most importantly, it is important that there is democratic participation in COSATU itself and that the leadership of COSATU does not become distanced from its base.²⁹⁶

CONCLUSION

It is evident therefore, that role of COSATU in consolidating democracy in South Africa is highly complex and fraught with dissonance. This dissonance is indicative of the multifaceted nature of democratic consolidation and of democracy itself. As a low-intensity democracy with a dominant ruling party, there is a need for a strong and robust civil society to stifle the re-emergence of any authoritarian threat. With a strong culture of internal democracy, which translates into democracy being seen as the ‘only game in town’ at the national level among the union membership, trade unions have been important as ‘laboratories of democratic learning’ by socialising workers to the democratic process. But, the strong identification of the ANC as representing worker interests and the high level of support for the party, serve to

²⁹⁵ Marais, 182. This appears to be different at the shop-floor level though. A follow up to the earlier *Taking Democracy Seriously* (1995) study found that in 2004, the *conception* of union democracy still thrived. In *practice*, the trend is reportedly different.

²⁹⁶ Author Interview, Oupa Bodibe, National Labour and Economic Development Institute, 17 November 2005, Johannesburg

reduce 'uncertainty' in the system. Indeed, the capitulation of COSATU to the ANC at critical moments has not provided a sufficient counter to the dominance of the party. Further, the mixed record of gains made in representative institutions, has served to hinder the impact of trade unions in both the economic and political spheres.

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6.

NAMIBIA

APARTHEID AND THE ROOTS OF THE LABOUR MOVEMENT

Key to understanding the development of the labour movement in Namibia is cognisance of the strong apartheid influence in shaping the juridical framework regulating industrial and employment relations on the one hand, and the general laws and practices on the other. Indeed, with the “native policy in South-West Africa [being] part and parcel of the native policy of South Africa,” apartheid laws effectively hindered the development of a free labour market and subordinated the interests of workers to the colonial economy and administration.²⁹⁷ The hallmark of discriminatory legislation pertaining to workers was the Wage and Industrial Conciliation Ordinance of 1952. While allowing for the organisation of trade unions, those sections of the Ordinance dealing with the settlement of disputes, the registration of trade unions and procedures for conciliation, sought to delimit the participation of black workers by excluding them from the definition of ‘employee.’ Effectively, while blacks were not legally prevented from organising and then joining their own unions, these unions could not be registered and therefore were not recognised for the purpose of settling industrial disputes. Further, while White and ‘Coloured’ workers were allowed to strike under the terms of the Ordinance, any other forms of industrial action by black workers illegal.²⁹⁸ Despite restrictive colonial regulations and mechanisms of control, organised worker resistance has been a central arena for contesting colonial capital and administration. Even though such resistance has been ‘sporadic’ and ‘episodic,’ South West African labour historiography is replete with examples of such resistance.²⁹⁹

²⁹⁷ Quote by Gijsbert Hofmeyr, Administrator of South West Africa, 1923 cited in Keith Gottschalk, ‘Namibian Workers Under Colonial Rule: Historical and Contemporary Perspectives’ *South African Labour Bulletin*, 4, 1 and 2 (1978), 77

²⁹⁸ Alfred Moleah, *Namibia: The Struggle for Liberation* (Wilmington: Disa Press, 1983), 113.

²⁹⁹ See for example Gillian Conje and Suzanne Cronje, *The Workers of Namibia* (London: International Defence and Aid Fund, 1979), 78-79.

This brief sketch of regulatory environment and the problems of labour organising encountered by early trade unions in South West Africa serve to provide the backdrop for the development of the Ovamboland People's Congress (OPC), later the Ovamboland People's Organisation (OPO), the antecedent political formation of the South West African People's Organisation (SWAPO). There is an acceptance that while birthed to address worker issues and the workers struggle, the OPO was essentially a nationalist political organisation. Sam Nujoma, argued that the "OPO was not a trade union, it was a political party. OPO was never a trade union, but it worked in the interests of the workers. Now, OPO was just meant really for the independence of Namibia."³⁰⁰ It is important to note that when the OPO was launched inside Namibia, Nujoma was already establishing a base amongst contract workers where he had "without the benefit of a formal organisation, already organised the Windhoek based contract workers into a significant political force, by holding regular meetings in the Windhoek compound (where grievances against the contract system were expressed and contract workers politicised)."³⁰¹ With increasing 'conscientisation' and mobilisation, the OPO's conversion into SWAPO came about as a result of increased resistance in 1960.

By the early 1970s, this conscientisation manifested itself in a large scale strike that signalled the beginning of an important turning point in Namibian political history. Worker opposition to the racially-based contract labour system manifested itself most prominently in the wide-scale strikes of 1971-72, to which the South African colonial authority was both surprised and unprepared. The strike action precipitated the amendment of labour policies in the territory and allowed for the beginning of the amelioration of the most pernicious effects of the contract labour system.³⁰² The strike action was meant to effect change within the broader system of worker-employer relations, but it also acted at the political level to foment opposition to entrenched colonial and apartheid rule, and galvanised the process of political and economic reform. While there is agreement that the material aspects of the contract labour

³⁰⁰ Interview with Sam Nujoma in Pekka Peltola, *The Lost May day: Namibian Worker's Struggle for Independence* (Helsinki: Finnish Anthropological Society, 1995), 101

³⁰¹ Emmett cited in Gretchen Bauer, *Labor and Democracy in Namibia, 1971-1996* (Oxford: James Currey, 1998), 30

³⁰² Henning Melber, 'Aspects in the Formation of a Namibian Trade Union: Background to the Formation of the National Union of Namibian Workers,' Paper presented at a conference on *Namibia, Africa's Last Colony: Problems for Freedom and Development*, University of Vermont, 4-5 April 1982, 9. Also, Bauer, 18

system remained unchanged, despite the advent of collective uprising, its effect remained prominent in the historiography of Namibia's transition to democracy.

The strike action also prompted the first acknowledgement of the need for the creation of trade unions for black workers. Certain employers had unilaterally instituted liaison committees to handle worker grievances and discontent, and employer organisations and other labour market institutions noted the need for labour bodies with which employer's could negotiate. Motivated by increasing industrialisation and the proliferation of advanced technologies in the workplace, employers also posited the need for a labour force that was "well housed, well paid and well trained" and who could "share in the profits of industry."³⁰³ Indeed, the acknowledgement by capital for the reform of the industrial relations system and political and economic policy, paralleled the developments in South Africa, and the rising workers consciousness during the 1970s and 1980s. While the impetus for reform was driven by the Chamber of Mines and the Public Sector Foundation, there did exist dissonance among employer organisations, specifically in the agriculture sector on the need for trade unions.³⁰⁴

CAPTURING LABOUR

For the liberation movement, the acknowledgement of the necessity for a trade union movement, sharing its political aspirations and content while engaging in the broader struggle for independence, led to the foundation of the National Union of Namibian Workers (NUNW). While the origins of this union federation have been disputed, there is unanimity in the position that the main liberation movement, the exiled SWAPO's Department of Labour and the NUNW were a single body. Indeed, the overlap between union and party is aptly contained in the Constitution of the NUNW which notes:

The most important task of the NUNW is to mobilise the working class in order to achieve our main objective – that of total liberation of Namibia. NUNW is an autonomous, voluntary, mass public non-party organisation, uniting all workers of all occupations, through their unions on matters of national

³⁰³ Bauer, 43

³⁰⁴ Bauer, 62-66

and international policies and such other matters as may affect them in their places of concern, *carrying all their work within the framework of the South West People's Organisation*³⁰⁵

Despite its claim to autonomy, the quote above is instructive in situating the labour movement within the nationalist party. Indeed, it was the express aim of the SWAPO Department of Labour to keep unions subordinated to the party and the state, due to its potential as an autonomous organisation to threaten the hegemony of the nationalist movement in the liberation struggle. These fears were mitigated by the full cooption of the labour movement and its subordination to the liberation movement. With increasing political repression and the commensurate social marginalisation, a groundswell of popular opposition increased the impetus of labour in demanding the initiation of the process toward democratisation. Like the realisation by employer's organisations in South Africa that political liberalisation was imminent, in the years immediately prior to formal independence a reform of labour legislation as an act of 'goodwill', aimed to modernise and rationalise the legislative framework at the time, and improve the conditions of employment for workers. But this 'goodwill' did not translate into many positive gains for workers, rather it was considered a half-measure in addressing the problems of labour, and an attempt to depoliticise trade unions.³⁰⁶ Dissatisfaction with the reforms translated into the rapid mobilisation of workers and the organisation of workers into trade unions, and spurred industrial and labour unrest just prior to the transition to independence. This period therefore, was marked by an increasing availability of political space in which trade unions were able to exert pressure on the functioning of the industrial relations system, and at the same time, confront the effect of politically institutionalised apartheid and colonialism.

INDEPENDENCE AND LABOUR'S SUBORDINATION

With independence, Namibia was characterised by a political culture that had "proved strongly favourable to and supportive of personal freedom, cultural and political tolerance, an independent judiciary and human rights."³⁰⁷ Nevertheless, after the initial euphoria of independence, Namibia began to exhibit "the characteristic patterns of neo-colonialist states elsewhere in Africa, including continued economic

³⁰⁵ National Union of Namibian Workers, *Constitution*, 1981, 1. author emphasis

³⁰⁶ Bauer, 88-89

³⁰⁷ Joshua Forrest, Namibia – The First Postapartheid Democracy," *Journal of Democracy*, 5,3 (July 1994), 99

dependence on its former colonisers, accelerated social differentiation amongst the formerly subordinated population, the arrogation of power by a newly emergent elite, the drift towards a *de facto* one-party state, and the slow but progressive erosion of civil liberties and growing corruption in the public sector.”³⁰⁸ There are varying factors that explain this shift. Most importantly, commentators have noted that the democratic recession and the concomitant rise of authoritarianism were evidenced through the return of an increased majority in the national elections of 1994. The subsequent elections in 1999 served to consolidate this electoral majority with SWAPO managing to secure three-quarters of votes cast, thereby allowing it wrest exclusive control over the parliamentary decision making process.³⁰⁹

The effect of this has been a noticeable change in the political sphere in Namibia, despite attempts by more liberal and social democratic elements within the party to curb these tendencies. Jauch notes:

[The political environment] has gone through a bit of change since independence, and after this repressive colonial rule, there was a time in the early years of independence [when Namibia] was a really flourishing and emerging democracy where people talked openly, issues were debated, very divergent views emerged and people would even question and criticise government ministers. Pressure was on government to fulfil and achieve change and transformation, but unfortunately, we have seen in the last five years or so, the opposite trend. People are beginning to choose carefully what they say in public, where people are careful not to offend party lines or the President or contradict him in any way [...] There are very few people who take issue with the government policies and that has to be the basis of progress in the country [...] Many see it as being disloyal and questioning government and different agendas, so the party gives a line and everyone follows. And that I would see as a regression in terms of Namibia's democracy.³¹⁰

Trade unions were ill-equipped to temper the rise of authoritarian tendencies within the ruling party and government. As a constituent of broader civil society, the legacy of problems afflicting trade unions was akin to those of other organisations in the

³⁰⁸ Chris Tapscott, “Class Formation and Civil Society in Namibia” in Ingolf Diener and Olivier Gerafe, eds., *Contemporary Namibia: The First Landmarks of a Post-apartheid Society*, (Windhoek: Gamsberg Macmillan, 2001), 307

³⁰⁹ For a detailed analysis of the 1999 elections, see Tom Lodge, “The Namibian Elections of 1999,” *Democratization*, 8, 2 (Summer, 2001): 191-230. Also Henning Melber, , *Liberation Movements as Governments: Southern African Experiences – with Special Reference to SWAPO and the Post-Colonial Political Culture in Namibia*, Paper presented to the Sociology Seminar, University of Johannesburg, 2 August 2005, 11

³¹⁰ Author Interview, Herbert Jauch, Director: Labour Research and Resource Institute, 22 October 2005, Windhoek

public sphere. As noted recently by the President of Namibia, “[A]ccording to research carried out [...], it was found that there are numerous civil society organisations in the country. However, they are poorly coordinated and poorly funded. Some of them are weak organisationally and thus have poor capacity to deliver or implement their intended projects. They are also characterised by insufficient involvement of active citizenry.”³¹¹ Indeed, trade unions were afflicted with a lack of administrative, organisational and technical capacity as well as poor financial and leadership capabilities. An evaluation conducted for the NUNW found that the federation lacked any form of proper administration, and there were “unfilled vacancies, and no clear recruitment policies existed; instead, all employment was decided on political grounds with little consideration for employees’ skills or experience.”³¹² Affiliated unions also operated with little staff and demonstrated a lack of knowledge and information about the industrial sectors in which they operated. These problems were exacerbated by a “lack of understanding of trade unionism, weak regional structures and poor wages” which contributed to the poor collection of union fees from members.³¹³

These organisational and technical constraints experienced by trade unions, were further compounded by the political demobilisation experienced after independence, and together with the lack of a clear programmatic agenda, the role of trade unions in the political and economic spheres were further subordinated by the party. As Jauch aptly notes:

[With the leadership of SWAPO in exile during the struggle for independence] unions filled a vacuum here and they played that role very effectively and that’s why they were able to call a general strike on a political issue [in 1971-1972], and it was not necessarily based on all workers being their members – but the popularity of their calls, their ability to capture the general mood was strong and they managed to do that. Now that created problems after independence, particularly understanding that politics is just not liberation politics, that the question of transformation [and] that the question of social change needed a very strong and interventionist union at the workplace, while building structures there, but also in the policy arena and I think that was not clearly understood.³¹⁴

³¹¹ Hifikipunye Pohamba, *Statement by His Excellency, the President of the Republic of Namibia*, at the official opening of the Tuhungileni Conference, Windhoek, 22 October 2005

³¹² Bauer, *Labor and Democracy in Namibia, 1971-1996*, 116-117

³¹³ Bauer, *Labor and Democracy in Namibia, 1971-1996*, 117

³¹⁴ Author Interview

The nature of this political demobilisation and the lack of a clearly defined and programmatic agenda needs to be placed within the context of the NUNWs' continued affiliation with SWAPO. From as early as 1991, debates on the labour movement's continued affiliation to the ruling party exacted strong debate from supporters and detractors alike. The rationale for the continuance of the relationship between the two parties lies in the conclusion that SWAPO was the "historically tested organisation committed to the total liberation of the working people and the realisation of their interest."³¹⁵ Perhaps influenced by the rhetoric of the immediate pre-independence period, by 1993 however, it was reported that the then NUNW president argued against affiliation noting that, "the affiliation of the NUNW to SWAPO was not in the interests of the workers, and the federation should re-examine its relationship with the ruling party." Here, detractors problematised the relationship arguing that:

[I]t is a clear principle that any trade union in the world should, it is one of the tasks of the union – you should unite the workers, you should be independent and should be very democratic. These are the principles of any trade union in the world and if you don't fulfil this then you are not a proper trade union[...] if you turn to Zimbabwe, the colleagues will tell you 'my brother, this is the second, third year, don't worry, just wait, you will detect the problem. You will come to loggerheads with the government.'³¹⁶

More forthrightly, former union leader, SWAPO party member and now opposition leader, Ben Ulenga noted the 'abusiveness' of the affiliation. For him, the SWAPO-NUNW affiliation is "almost like an abusive marriage, where the lesser partner should not be a lesser partner at all, but still argues that it is better for them to stay within the marriage."³¹⁷ Further:

This affiliation is of SWAPO's making, it was not a relationship that was dictated equally from both sides. SWAPO wrote it into their constitution that the unions would affiliate with them and when the unions came into existence on the ground, they were confronted with this, and because of the loyalty to the idea of struggle and independence, they didn't feel comfortable to go against it. That has weakened the unions very much because they came into a defined relationship that was not defined by them.³¹⁸

³¹⁵ Resolution from the Extraordinary Congress of the NUNW, 1991, Windhoek, cited in Bauer, *Labor and Democracy in Namibia, 1971-1996*, 109

³¹⁶ Cited in Bauer, *Labor and Democracy in Namibia, 1971-1996*,

³¹⁷ Author Interview, Ben Ulenga, President of the parliamentary opposition party, Congress of Democrats, 25 October 2005, Windhoek

³¹⁸ Author Interview

Others however have not problematised the continued affiliation but rather accept the early NUNW rationale of an historical bond and congruence in aim. Indeed, it has been argued that, “[I]f we are from the same historical background oppressed together, grew up together, waged the same struggle against oppression, why should it have to please some people to stop the affiliation. Just to please somebody? They [the unions] are not stopped from what they are doing what they want to do, as if the affiliation would stop them [...] They can strike, they can do anything they want. If they are *persuaded* through [our] arguments, what is wrong with that?”³¹⁹

Further, it is illuminating to note the discourse upon which the conceptualisation of Namibian civil society is predicated. Rather than see civil society as a counter-balance to state power, the leadership of the trade union movement view it as part of a broader Western plan to create instability in Africa, and southern Africa in particular, and to obtain/retain ownership of the southern African economy. As the President of the NUNW noted, and it is important to quote him at length:

I think civil society in Namibia is no different from civil society in the rest of the world. What is taking place currently in the world is the arrangement by imperialists [...] to destabilise southern Africa and Africa in general by turning labour movements into political parties. We have seen Zambia where the labour movement was turned into a political party which put President Chiluba in power and then messed up the country drastically. We have seen the attempt in Malawi, we have seen it in South Africa trying to cause conflicts between COSATU and the ANC, and we have seen it in Zimbabwe. We have seen it here in Namibia, by turning our former trade unionist [Ben Ulenga] into a rival to the SWAPO party [...] they failed because we were united and then we were saying ‘One Namibia, One Nation.’ This strategy, this failed Western strategy, to keep African and specifically southern African unions in politics rather than in the economy. Now the majority of civil societies are receiving assistance specifically England and Western countries, the United States and a few Nordic countries and this assistance cannot be channelled through government, but directly to these civil societies making them financially strong to perpetuate their own agenda. And the ultimate goal, *we suspect*, and we are very suspicious, is that in the long run most of these civil societies are going to be *more political than civil* [...] Civil society in Africa, in southern Africa specifically is serving as the mouthpiece of Western, so-called civilisation. They are purely representing Western interests.³²⁰

³¹⁹ Author Interview, Hage Geingob, Former Prime Minister of the Republic of Namibia and presently SWAPO Member of Parliament, 26 October 2005, Windhoek, our emphasis

³²⁰ Author Interview, Risto Kapenda, President of the National Union of Namibian Workers, Windhoek, 19 October 2005

As such, the suspicion with which civil society organisations are viewed, and indeed their supposed role within the political and public sphere, extends not only to trade unions and non-governmental organisations but is complicated by the strains of anti-democratic tendencies within and amongst political parties. While the constitutional settlement ensured the creation of democratic institutions, the exercise of democracy within these institutions was problematic. Perhaps one of the most fundamental institutions to ensure the democracy and accountability were political parties, which have been described as “the most undemocratic institutions in the country.”³²¹ The extent of SWAPO’s electoral dominance and hegemony of political life, have allowed for the creation of a party-institutional culture that is characterised by blind loyalty and the stifling of debate which is continually re-entrenched by its top-down militarist organisational structure.³²²

THE DOUBLE BIND

The now ruling party’s dominance was starkly observed in the economic policy arena. While in the early post-independence years the government sought to pursue a mixed economy, by the mid- to late 1990s, there was an open bid to entice capital and liberalise trade through the creation of export processing zones (EPZs). Presented by the SWAPO government as a solution to low economic growth and unemployment, the adoption and inscription of EPZs into economic frameworks is was acute example of subordinated role labour occupied after independence. A key affront to the trade union movement was the stipulation by the government that the Labour Relations Act would not apply to companies operating in the EPZs as it was seen as “a delicate compromise which is necessary to achieve the larger goal of job creation.”³²³ The NUNW vociferously opposed the exclusion of the Labour Relations Act and deemed its non-application as a contravention of both the ILO convention and the Namibian constitution and at one stage had threatened to take the government to court on this matter. However, at a meeting between the government, SWAPO and the NUNW, a controversial compromise was reached which held that while the Labour Act would apply in the EPZs, strikes and lockouts were precluded from such application, and

³²¹ Melber, *Liberation Movements as Governments*, 20

³²² Author Interview, Ben Ulenga

³²³ President Sam Nujoma cited in Colin Fenwick, Dirk Hahnsom and Johannes Petersson, “Labour Market Regulation and Economic Development in Namibia.” Paper presented at the *Labour Market Regulation in the SADC Region Workshop*, University of Cape Town, 12-13 January 2006, 9

outlawed for a five year period. Labour relations were a recurrent problem with a number of EPZ companies failing to recognise trade unions and others violating the Labour Relations Act. Further, while it was expected that EPZs would create 25,000 jobs, five years after first implemented, the strategy had created only 400 jobs.³²⁴

The dynamics underlying the institution of EPZ, underscores a deeper tension between the state and the union movement in Namibia. Indeed, trade unions were placed in a “double-bind” – the continued historical and emotive attachment to SWAPO as the national liberator, but at the same time, frustrated that the high levels of socioeconomic inequality and lack of opportunity that are afflicting its membership are not being adequately addressed.³²⁵ Despite this, the trade union movement has not been able to chart a significant way through this contradictory trend of continued loyalty against the backdrop of high levels of inequality. As such:

They do not reconcile [the bind] and this leads to contradictory actions or statements. On the one hand, you will have a very progressive statement and a frontal attack on a certain policy, like privatisation, but then it is not seen through or taken further and developed into a campaign that would fundamentally challenge government on the issue. The relationship between politics and unions was not based on conditional support, but these are [the unions’] core demands that they want to see implemented. They need a more strategic approach.³²⁶

This is also experienced in the ambit of industrial relations. The apparent willingness of the SWAPO-led government to create a new labour dispensation founded on the principles of tripartism, while welcomed by labour, was also problematic. Institutionalised through the Labour Advisory Council (LAC) to encourage deliberation on major employment issues and general industrial relations, organised labour experienced difficulties in being recognised as an equal partner to the forum³²⁷

³²⁴ For more detailed findings, see the study conducted by Sylvi Endresen and Herbert Jauch, *Export Processing Zones (EPZs) in Namibia: A Success Story?* Paper prepared for the International Labour Resource and Information Group, February 2000, 4

³²⁵ Herbert Jauch, “From Liberation Struggle to Social Partnership? The Challenge of Change for the Namibian Labour Movement” in Volker Winterfeldt; Tom Fox and Pempelani Mufume, eds., *Namibia, Society, Sociology* (Windhoek: University of Namibia Press, 2002), 31

³²⁶ Author Interview, Herbert Jauch

³²⁷ Murray Sycholt and Gilton Klerck, ‘The State and Labour Relations: Walking the Tightrope Between Corporatism and Neoliberalism’ in Gilton Klerck, Andrew Murray and Martin Sycholt (eds.) *Continuity and Change: Labour Relations Independent Namibia* (Windhoek: Gamsberg-Macmillan, 1997) 97 of 79-115

Indeed, unions are the weakest partners to the forum while government is the most powerful. Indeed, the responsibility of initiating discussion or policy proposals lies with government, who can then decide on consultation with the other partners. Moreover, the persistence of the apartheid legacy still informs the general ambit of tripartite consultation, and the continuance of antagonism between employer organisations and the labour movement hampers the effectiveness of this body.³²⁸ Another large constraint to the effectiveness of tripartite consultation is the significant lack of capacity of the unions to function effectively as the representative of workers interests. Specifically, these incapacities relate to its organisation, administration, leadership and finance.³²⁹

By portraying itself as a pro-worker movement, the SWAPO party skilfully couches opposition and dissent (by trade unions specifically) as anathema to the process of development and reform on the one hand, and importantly, to 'African' conceptions of democracy on the other. The discourse of opposition and conflict within the political system, for the ruling party, is an intrinsic element of Western-style democracy. Highly illuminating, the former Prime Minister was keen to observe that:

[...] people want opposition to be strong, you must oppose for the sake of opposing, because democracy is defined by the Westerners. You must oppose for the sake of opposing, then you are a democracy. In Africa, to prove you are democratic, you must oppose. Even if something is good for a country, you must oppose [...] They also expect trade unions to oppose because they were opposing the apartheid regime, therefore they must also oppose their own elected government [...] SWAPO is a worker's organisation [...] How do they oppose somebody who is doing things for workers? [...] If trade unions see that government is a friend of workers, then how can they oppose it? When the government itself is leading the reform in labour relations, and trade unions look deluded of their role, it is because we are going in the same direction.³³⁰

But the ties that bind the party and labour movement are not merely premised on the sharing of labour's socio-economic vision and goals. Rather, it is the 'comradeship' that developed with the historical affinity of the labour movement with the liberation movement. Thus,

³²⁸ Dirk Hanshom, Bruno Venditto and John Ashipala, *Economic Reform Programmes, Labour Market Institutions, Employers and the Role of Social Partners in Namibia* (Harare: International Labour Organisation, 2000), 31

³²⁹ Bauer, *Labor and Democracy in Namibia, 1971-1996*, 109

³³⁰ Author Interview, Hage Geingob. Author emphasis

[T]hose in government and those in the labour movement, when these two meet, they are comrades, and their comradeship [...] is because of history [...] comradeship is something that was created long ago and is something that is continuing. I don't think we will forget the past, just to ensure we make room for the future.³³¹

As will be discussed below, this has had serious implications on the ability of trade unions to promote and defend democracy in Namibia. For progressive labour movements to unshackle from the “double bind” and pressure the government to meet its socio-economic (and indeed political) obligations beyond the workplace, there needs to be a distinct political nature to trade unionism. Ergo, the “NUNW will have to clarify its understanding of its particular class base and define its role in terms of serving the specific interests of that social class. Otherwise, the federation is likely to be coerced into [further] compromises in the name of the ‘national interest’ as defined by government and corporate agendas.”³³²

The need therefore for civil society organisations to actively engage with (and indeed *contest*) government is imperative for fostering practices of “good democratic governance.” As the recently elected President of Namibia was sure to argue:

The Government recognises the fact that the involvement of citizens and civil institutions in the process of development is good for democratic governance. Thus, civic culture is viewed as conducive to a stable democratic order because it fosters responsive actions from government vis-à-vis the public and the demands of our citizens. It is for this reason that there is hardly any policy of Government in which the role of civil society goes without mention. We recognise that development has to be implemented in a bottom-up approach that fosters and promotes active participation of citizens and their organisations.³³³

What emerges then is a ‘double-speak’ – while active civil society participation is a necessary condition to foster democracy, there are implicit restrictions placed on this participation. Moreover, the suspicion with which civil society organisations are viewed – which even the President of the NUNW noted as being the “mouthpiece of Western, so-called civilisation, purely representing Western interests” – stands in

³³¹ Author Interview, Erago Thaddeus Erago, National Organiser, Namibian National Teachers Union, 21 October 2005, Windhoek

³³² Herbert Jauch, ‘Labour in Namibia: Important Lessons for South Africa,’ *South African Labour Bulletin*, 26,1, 2002, 24-25

³³³ Pohamba, 5

contrast to the perceived role these organisations in this sphere can play in the promotion of democracy.

ENTITLEMENT AND FEAR

Moreover, the rise of authoritarian tendencies has underscored the entrenchment of a “politics of entitlement” in which the rights and import of the citizenry are subjugated to those of the liberators.³³⁴ Thus, in Namibia, “the feeling persists that those who fought for independence have more rights than others, including the right to rule the country which they liberated. It is difficult for those who sacrificed so much for independence to realize that the ones who stayed home and took the beating from the colonial regime have the same rights as they do.”³³⁵

Augmenting this politics of entitlement is the “politics of fear” in which the replication of apartheid-style governance practices becomes ingrained within the leadership of the liberation movement. Indeed, “[T]he political leaders of the liberation and independence struggle learned a great deal from the apartheid system, namely not to tolerate difference of opinion. Because the desire to end oppression was so legitimate, the struggle assumed a total agreement on the part of those who opposed oppression. Individual agreement was scorned and the will of the collective, often ill-measured, overcame all dissent.”³³⁶ The consolidation of SWAPO’s electoral dominance amid the “increasingly repressive atmosphere during the election campaigns” highlights what analysts have described as a “lack of consolidation of Namibian democracy.”³³⁷

What has emerged in Namibia then, is the control of the state by social forces which are “capable of using the state organisations to pursue their interests in an arena characterised by domination and opposition” with the effect that “the state uses democracy to perpetuate hegemony rather than to advance rights, liberty and

³³⁴ Joseph Diescho, *Government and Opposition in Post-Independence Namibia: Perceptions and Performance* (Namibian Institute for Democracy: Windhoek, 1996), 6

³³⁵ Diescho, 6-7

³³⁶ Diescho, *Government and Opposition in Post-Independence Namibia: Perceptions and Performance*, 9. Also cited in Andre du Pisani, ‘State Power and Social Forces in Namibia,’ in Namibian Institute for Democracy, *Summary of Proceedings of a Conference*, (Windhoek: NID/Konrad Adenauer Stiftung, 1996), 31

³³⁷ Melber, ‘Liberation and Democracy in Southern Africa: The Case of Namibia,’ 23

democracy. The adoption of non-democratic measures is often justified against the backdrop of achieving ‘national’ objectives through a democratic mandate.”³³⁸

Compounding this is the lack of a “cultural experience” of opposition that would serve to strengthen the democratic mandate of the incumbent government. As a Namibian intellectual noted:

There is no neutral word for opposition in our African languages. *To oppose* in our languages means something bordering on permanent disagreement with a degree of hostility. A built-in sentiment in the African notion of opposition is that the party to be opposed is doing something wrong [...] To oppose them, therefore, means to eliminate them, It is very difficult for our citizens who love and respect SWAPO for leading the country to independence, to side with the opposition even when the opposition is correct on issues. They fear that they may be sending a negative message about their long-awaited government.³³⁹

For the trade unions too, the feeling exists that,

[...] opposition parties have their own interest. And we don’t see really how effective they are. They have their own interest and the interest of the opposition parties are also [similar] to those of other CSOs [civil society organisations]. The opposition wants to criticise every little thing that government does. I haven’t seen them say: Here government did good here government did well. But every time, its criticise, criticise, criticise and they don’t come with a different plan.³⁴⁰

It therefore is pertinent that SWAPO still attempts to exert its full influence on the body politic, centralising civil society around its axis of power. By admission, “SWAPO is based on a number of [principles] to ensure that we are in power. One is mass based support. SWAPO is based on organised labour for sure, the urban and the unemployed, [...] and I can tell you as a member of the central committee, that we want to organise everybody in the country. All organised and non-organised structures should be organised, should be under SWAPO, should support SWAPO.”³⁴¹ But these attempts to organise all of Namibian society around the party are highly problematic and speak to a deeper tendencies to co-opt and silence all opposition.

However, while the party aims to ‘capture’ the entire body politic, and there is scepticism for the role that opposition plays within the political sphere, within the

³³⁸ Salih cited in Melber, ‘Liberation and Democracy in Southern Africa: The Case of Namibia,’ 23

³³⁹ Diescho, 7

³⁴⁰ Author Interview, Erago Thaddeus Erago

³⁴¹ Author Interview, Bernard Esau

Namibian *citizenry* more recently, a shift in perception on the role and importance of opposition and multi-partyism is evidenced. Indeed, the increased support for political plurality and multi-party democracy indicates that “citizens no longer see opposition parties as negatively as before” and that “[A]fter fifteen years of experience with opposition parties, and coupled with the fact that the opposition is weak, it is just possible that Namibians are now, more than ever before, ready to accept their presence. They are thus no longer seen as a threat to the ruling party and the political process controlled by the ruling party.”³⁴²

While opposition political parties are met with some degree of acceptance, this acceptance is due more to the impotence of this grouping in the political sphere as they represent no tangible threat to the status quo. Opposition has “never managed to obtain enough weight to seriously challenge the factual dominance of SWAPO.”³⁴³ This is most evident in the shared ‘discourse of destabilisation’ between the trade union movement and SWAPO that sees both opposition and opposition movements as part of a broader Western neo-imperialist strategy aimed at African domination.

For the trade union movement in particular, engagement in the political sphere is part of this strategy to remove unions from the economy and keep them in politics, thus allowing Western control of economic means and resources. And these attempts at domination have a pan-African character. The Namibian Head of State, addressing the Namibian Public Workers’ Union (NAPWU) argued of the need to resist this Western imperialism, by stating, “[Today] it is Zimbabwe, tomorrow it is Namibia or any other country. We must unite and support Zimbabwe. We cannot allow imperialism to take over our continent again. We must defend ourselves.”³⁴⁴ The NUNW specifically have bought into the rhetoric of Western (re-) domination of Africa, and “launched a broadside” against the Zimbabwean Congress of Trade Unions, accusing it of “falling into the hands of the Western propaganda machinery.”³⁴⁵ Further, it is argued that, “[T]he trade unions are being used by the whites to make the world believe there is

³⁴² Christiaan Keulder and Tania Wiese, *Democracy without Democrats: Results from the 2003 Afrobarometer Survey in Namibia*, Working Paper No. 47, 2005, 4. The best exercise of citizens’ rejection on state-imposed change emerged with their rejection of then President Nujoma seeking to run for a fourth presidential term. Prior to the 1999 elections, Nujoma had amended the Constitution to allow for him to run for a third term, with public support.

³⁴³ Melber, ‘Liberation Movements as Governments,’ 15

³⁴⁴ Cited in Melber, ‘Liberation Movements as Governments,’ 20-21

³⁴⁵ Quoted from *The Namibian*, 22 January 2002

tension between the Zimbabwean working class and the political leadership.”³⁴⁶ By trade unions supporting, whether tacitly or directly, this position they are in effect condoning government action, despite a substantial group of Namibians feeling that the quality democracy has deteriorated in the period 1999-2003.³⁴⁷ And this is where trade unions have faltered in being a viable social force for promoting and defending democracy.

THE IMBALANCE OF LOYALTY

Crucial to an understanding of the role of trade unions in promoting and defending democracy in Namibia, is the ‘imbalance of loyalty,’ and thus an imbalance of power relations that characterises the affiliation between the NUNW and SWAPO. Certainly, while unions may see themselves at the centre of political existence, it is possible to infer that the ruling party is keenly aware of the subordinate role of unions both within the affiliation and the political sphere. This was illuminated as:

They [the unions] feel that they have more power than politicians by way of the masses. It is a myth. They believe they are the ones with the powers, they are the ones with the masses. And we [SWAPO] are *teasing them*: ‘What is the workforce in Namibia?’ But *they* really do believe *they* are a force [...] they really believe that.³⁴⁸

Given this, and by seeing themselves at the centre of political existence, the need to contest hegemony is even more pressing when there is acquiescence amongst the citizenry that the SWAPO government is not adequately addressing issues of unemployment, price stability, income inequality and guaranteeing food security – the very issues that are impacting upon their masses. Significant *declines* in the performance of government in providing HIV/AIDS treatment; the resolution of community conflict; delivering household water and managing the economy also are significant arenas of contest which trade union need to directly engage.³⁴⁹

³⁴⁶ Quoted in *The Namibian*, 22 January 2002

³⁴⁷ Keulder and Wiese, 7. The survey notes that “Those who think Namibia is a democracy with major problems have increased from 15 percent in 1999 to nearly 29 percent in 2003. Thus for a substantial group of Namibians, the quality of democracy has deteriorated from 1999-2003.”

³⁴⁸ Author Interview, Hage Geingob

³⁴⁹ Keulder and Wiese, 14-15. The survey more explicitly notes that “seven of the twelve items, government’s performance is perceived to have declined from 2002 to 2003. The biggest decline was with HIV/AIDS where performance declined by 12 percentage points. Other significant declines were resolving conflict between communities by 6 percent, delivering household water by 9 percent and

The failure of trade unions to act sufficiently on improving these socio-economic issues, and thus not significantly broaden the scope of democracy, serves to “give a great amount of legitimacy to the SWAPO government.”³⁵⁰ This legitimization of the government combined with the close sense of historical loyalty creates a trade union movement that is inconsistent in its ‘pressuring’ of government. Jauch argues that there has not been a “consistent line” from the labour movement, and “when the [SWAPO] party is challenged by opposition parties, then there is extreme loyalty [by the NUNW] even though there is nothing socialist in SWAPO’s policies at all,” and therefore there has been a lack of defining a clear role for the labour movement.³⁵¹

Trade unions in Namibia, in order to effectively promote and defend democracy would need to entrench themselves more rigorously and deeply with the Namibian working class and also extend their scope to include issues beyond the workplace.³⁵²

More insightfully, it was noted that:

The unions have still not found the clarity with which they operated before independence and at the moment [...] the issue [for the labour movement] is to become a pro-poor movement, that’s what Namibia needs. The question is not about the external forces colonising us, [it is a] question of an elite driven postcolonial setup that leaves the poor to their own devices. And unions could become the centre of this pro-poor movement in Namibia, demanding basic services for all, a living wage, a basic income grant and being at the forefront of this social justice trade unions movement. That is how unions should develop, instead of being caught up in party loyalties [...]³⁵³

Trade union criticism of SWAPO has been opportunistic and not addressed the real issues affecting the working class. For example, while trade unions protest on issues of land redistribution, they do not address more pressing concerns of workers that would bring it into open and direct conflict with government. As an opposition member has argued:

Housing for workers, people of working class background and residence in Windhoek, these issues would never feature because it is actually closer to home and affects working people. Land

managing the economy by 7 percent. The areas in which government’s performance is seen to have increased the most from 2002 to 2003 are the following: narrowing income gaps (7 percent), improving basic health services (4 percent) and addressing educational needs (4 percent).”

³⁵⁰ Author interview, Ben Ulenga

³⁵¹ Author Interview

³⁵² Jauch, ‘From Liberation Struggle to Social Partnership? The Challenge of Change for the Namibian Labour Movement,’ 36

³⁵³ Author Interview, Herbert Jauch

redistribution affects poor people generally speaking, abuses and bad treatment on farms affects the lives of working people. But I don't think it directly translates into workers wanting to have land. Workers will think in terms of having better conditions on farms and would want social justice generally [...] this is not happening, trade union leaders would [rather] talk about land redistribution [...] I think there are issues, mobilisation issues, which will sound less opportunistic. People are paid very low wages, people don't have things like housing, electricity, education [and] there are problems with basic services, water and the like [...] They [trade unions] have not organised around these issues because these issues will be closer to home and may be more embarrassing and may have a greater potential to conflict between the unions and government than the issue of land redistribution.³⁵⁴

So while opportunism still characterises the contestation between the labour movement and the government, what is required, as intimated above, is a “negotiated social revolution determined by a renewed defined social responsibility towards the previously disadvantaged, the poor, and the unemployed.”³⁵⁵ Notwithstanding the balance of forces in the affiliation and its historical loyalty to the ruling party, if trade unions fomented such a social revolution they would be better placed to promote and consolidate democracy.

CONCLUSION

The subordination of Namibian trade unions to the party has limited their ability to promote democracy. Unlike in South Africa, where an alliance to the ruling party leaves space for contestation, the deep historical bonds that characterise the affiliation between the ruling party and NUNW, have relegated the latter to the playing a subordinate role in the political economy. In an environment characterised by the politics of fear and entitlement, the emasculated trade union movement needs to re-balance its relationship with the ruling party. The indications are that presently, this is not possible. Given its weak organisational capacity, a dearth of leadership and the proximity of its relationship to the ruling party, the NUNW has not been able to inject uncertainty into the political system, rather, they have capitulated to an increasingly authoritarian and dominant state.

³⁵⁴ Author Interview, Ben Ulenga

³⁵⁵ Gerhard Totemeyer, 'Transcending the Racial Divide,' Paper delivered at the Tuhugileni Conference, 22 October 2005, Windhoek

7.

ZIMBABWE

COLONIALISM TO INDEPENDENCE

As in South Africa and Namibia, central to understanding the present relations between the state and the labour movement in Zimbabwe, is cognisance of the manner in which colonialism negotiated and regulated relations between the state and labour. Through an inimical system of labour subordination, African workers were kept in a position of subservience to both capital and the state, with no allowance made for the formation of trade unions to represent their interests in collective bargaining for higher wages and improved conditions of service.³⁵⁶

After 1945, black workers, through sustained demands and an increase in worker organisation and industrial action, were able to form recognised trade unions and become part of the institutional framework for regulating labour relations. The promulgation of the Industrial Conciliation Act (ICA) in 1959 legislatively allowed the rights of union formation and collective bargaining to be extended to black workers, and moreover, mandated their representation to be equal to that of employers on industrial councils and industrial boards to negotiate legal agreements.³⁵⁷ While this Act purported to be non-racial in principle, in practice, it was directed to control black trade unions. The provisions of the Act encouraged the formation of fragmented unions by allowing for union branches to be delineated by race. Furthermore, the extent of the restrictions placed on union activity made strike action practically illegal.³⁵⁸ To compound this, the black trade union movement by the 1960s retained weak membership and collective bargaining power, and throughout this period strikes were suppressed and trade unions strictly controlled. A further factor in weakening

³⁵⁶ Mark Shadur, *Labour Relations in a Developing Country: A Case Study on Zimbabwe* (Aldershot: Ashgate Publishing, 1994), 55-59

³⁵⁷ Shadur, 59

³⁵⁸ Andre Astrow, *Zimbabwe: A Revolution that Lost its Way?* (Zed Press: London, 1983), 21

the labour movement was the disunity between several competing federations, each competing perennially with each other and continuing to independence.³⁵⁹

The lack of “political clout” was intimately linked to the promulgation of the ICA.³⁶⁰ But, dissonance exists on whether it was merely the state that prevented the formation of links between the labour and nationalist movement. According to Astrow, the petit-bourgeois trade union movement and nationalist leadership were as much to blame for the continuance of colonialism and the exploitation of black workers, in addition to capital and the state. He notes:

The role of the trade union leadership combined with sustained repression by the settler regime helped to ensure that the struggle of the African working class was safely contained [...] the trade union bureaucrats worked actively to lead their members in a pro-capitalist direction and to limit the struggle of the rank and file to the narrow economic of wage arbitration. This proved decisive in dissipating the struggle of the working class.³⁶¹

He continues, and to quote him at length:

The political weakness of the African working class made it incapable of preventing the continued degradation of the national struggle by the petit-bourgeoisie leadership of the nationalist movement. The working class could not appreciate its own leading role in the struggle for national independence in a country oppressed by imperialism. Its economic struggles therefore became separated from the political struggle for national self-determination. As a result the national aspirations of the working class stayed under the domination of petit-bourgeoisie nationalism.³⁶²

The motivation then, for the withdrawal of the labour movement from the political struggle is ultimately premised on the belief that union engagement in strictly political issues would only serve to augment and encourage the repressive measures by the state. Politics needed to be left to the nationalist movement. Mswaka’s presidential address to the Southern Rhodesian African Trade Union Congress captures the sentiment of the union leadership at this time. He posited that:

³⁵⁹ Shadur, 60

³⁶⁰ Colin Stoneman and Lionel Cliffe, *Zimbabwe: Politics, Economics and Society* (London: Pinter Publishers, 1989), 104

³⁶¹ Astrow, 20

³⁶² Astrow, 20

It is high time all of us realised that we cannot use this organisation as a political platform for our political ends. I hate to have a political boss in the Trade Union Movement...politicians must stop interference into Trade Union affairs ... and stop wrecking this organisation.³⁶³

Nevertheless, it has been contended that there was a simplification of the complexities of colonialism. It is true, that in Zimbabwe, the nationalist movement subsumed trade unions within the broader struggles for independence; unions themselves were actively engaged, if not directly in the political struggle, then in a continuing economic struggle against colonial capitalism. Certainly, it has been posited on the relationship between the nationalist parties and the unions, that there can be no doubt “as to the basic identification of the labour movement with nationalist aspiration.”³⁶⁴ Indeed, it had never been quite possible to separate the economic struggles from political struggles, and under colonialism especially, the “convergence between the two was quicker than under normal conditions of capitalism or post-colonial struggles.”³⁶⁵ Thus, the support for the nationalist party was evident. Maluleke argued,

We as a trade union are fully prepared to throw our weight behind the nationalist party's fight – after all, we all want to get rid of the present minority government, but we want *to do so as workers with our own organisation*. For after independence, the party will be the government and will be as much concerned as any government to increase production and develop the country. This may happen at the expense of workers' wages and general standards of living. *Then we want our own organisation to defend our position and our rights; if we, then are merely an arm of the party we as workers will be defenceless.*³⁶⁶

Prior to independence labour legislation and control led to a weak and fractured Black labour movement, compounded by the “disorganisational effects of white-dominated unionism implanted in many of the most strategic pockets of the economy.”³⁶⁷ When

³⁶³ Quoted in Astrow .22

³⁶⁴ Coenraad Brand, ‘Politics and African trade Unionism in Rhodesia,’ *Rhodesian History*, 2, 1971, 107

³⁶⁵ Sachikonye, L ‘State, Capital and Trade Unions’ in Ibbo Mandaza,, *Zimbabwe: The Political Economy of Transition, 1980-1986* (Dakar: Codesria, 1986), 251

³⁶⁶ Quoted in Shadur, 63

³⁶⁷ Brian Wood, ‘Trade-Union Organisation and the Working Class,’ in Colin Stoneman (ed.) *Zimbabwe's Prospects: Issues of Race, State and Capital in South Africa* (London: MacMillan Publishers, 1988), 286. It has also been argued that trade unions were divided along allegiances to various nationalist parties, see also Julie Brittain and Brian Raftopoulos, ‘The Labour Movement in Zimbabwe, 1965-1980,’ in Brian Raftopoulos and Ian Phimister, *Keep on Knocking: A History of the Labour Movement in Zimbabwe, 1900-1997* (Harare: Baobab Books, 1997), 91-105

the Zimbabwe African National Union (ZANU) assumed power in independent Zimbabwe in 1980, it did so with the promise to redress colonial injustice and bring about a socialist transformation with greater worker and peasant participation. But such promise was marked by a deeper ambivalence between the ruling party and the role it accorded to the labour movement. Certainly, the ZANU government were aware that the African working classes potentially posed the most central threat to (continuing colonial) capitalist stability, and state interest in the organising and regulating the working class stemmed from the need to increase industrial efficiency and capitalist profitability.³⁶⁸ Thus, when Prime Minister Mugabe intimated that Zimbabwe was based “on free enterprise and was therefore capitalist,” it underscored the broader direction of the state to develop a system of industrial relations to suit its own administrative convenience. Indeed, while the state supported the formation of unions through a ‘guided democracy,’ soon after independence, ZANU ventured to capture control of the labour movement and incorporate trade unions under the direction of the state. This venture was largely successful as the union movement was still fragmented and disorganised, and the involvement of opposition supporters within the labour movement provided the state with additional impetus in actively intervene to alter such situation.³⁶⁹

THE CRISIS OF EXPECTATION

The need to exercise control over the labour movement was precipitated by a widespread upsurge in strike action across the country during 1980-81, affecting all major economic sectors. The ‘gaping vacuum’ in the inherited labour relations structure meant that there was an absence of strong regulatory mechanisms to channel the interests and demands of workers and to mediate relations between capital and labour, making such action possible.³⁷⁰

This was the broad context in which the new elements for the regulation of labour had to be introduced. While a weak trade union movement served the objectives of the

³⁶⁸ Astrow, 175

³⁶⁹ Shadur, 99-100

³⁷⁰ Lloyd Sachikonye, ‘The State and the Union Movement in Zimbabwe: Cooptation, Conflict and Accommodation,’ in Bjorn Beckman and Lloyd Sachikonye (eds.) *Labour Regimes and Liberalisation: The Restructuring of State-Society Relations in Africa*, (Harare: Univeristy of Zimbabwe Publications, 2001), 149

colonial regime, it was a serious liability to the incumbent state. For Sachikonye, the recourse to state corporatism in the wake of the industrial action was motivated partly too, by the 'lack of clout' unions had in restraining militancy among workers.³⁷¹ The most direct form of such corporatism was the interventionist role that the state played in passing a series of minimum legislation pertaining to wages and working conditions, and importantly, in the creation of the umbrella union federation, the Zimbabwe Congress of Trade Unions (ZCTU). The aim of reconstructing the labour movement and introducing a legal framework for the regulation of labour was essentially to contain industrial conflict through direct state intervention in the labour movement. However, with the ousting of the pro-Zanu union leadership by those wanting complete union autonomy led by Morgan Tsvangirai saw the adoption of a more critical stance towards the state's labour and economic policies, and the distancing of the labour movement from the governing party.

The promulgation of the Labour Relations Act in 1985 saw the final repeal of the ICA of 1959. Touted as a 'Workers' Charter,' it had the effect, however, of strengthening some of the negative provisions of the ICA.³⁷² The most problematic provisions related to the reduction of the role of trade unions in wage determinations and dispute resolution as greater power was placed with the Minister of Labour. In addition, the power of the Minister was increased to include control over "union finances, union elections, staffing, property and even overruling collective bargaining agreements."³⁷³ Compounding the curtailment of union rights through legislation, was the primacy afforded to capital in influencing the governments' broader policy orientation.³⁷⁴

While economic and social policy had already started experiencing major changes since 1986, the imposition of Economic Structural Adjustment Programmes (ESAP) in 1990 was accompanied by the substantial retrenchment of workers, due in part to

³⁷¹ Sachikonye, 'The State and the Union Movement in Zimbabwe: Cooptation, Conflict and Accommodation,' 149

³⁷² Arnold Sibanda, *Worker's Participation, Collective Bargaining and Tripartism in the Formulation of Employment Policies in Tanzania, Zambia and Zimbabwe*, Zimbabwe Institute of Development Studies Discussion Paper, 1991, 23

³⁷³ Sibanda, 23. Also African Labour Researcher's Network, *Trade Unions in Africa* (Johannesburg, Naledi, 2003), 6

³⁷⁴ According to Sibanda, capital was granted a review of the LRA, particularly regulations relating to dismissal. In addition, there was also widespread agreement at the time of the need for 'structural adjustment' of the economy. See Sibanda, 23

the restriction of cumbersome procedures and the removal of safeguards from the labour relations legislation which prevented arbitrary hiring and firing. ESAP failed to create the jobs it purported to, and this was coupled with decreasing real wages and the commensurate social hardships the working class now faced.³⁷⁵ Ironically however, while ESAP was associated with phasing out the statutory minimum wages and the imposing freer collective bargaining procedures, it thereby allowed a strengthening of the unions' position by gaining considerable concessions from management.³⁷⁶ Thus, placing this inadvertent bargaining power with labour together with the general decline in social security, it is not surprising that differences over production politics spilled over into the wider political arena. In addition, the union movement had embarked on a process of internal consolidation. Under the leadership of the newly elected leadership of Morgan Tsvangirai, the unions' focus shifted to building internal democracy and structures to ensure accountability to the membership and affiliates.³⁷⁷ In addition, there was significant capacity building through the worker education, the implementation of organisational issues and the strengthening of the legal capacity of the organisation.³⁷⁸

The limits of the structural adjustment strategy under ESAP and the unsuccessful attainment of the targets set were clearly evident when it was reviewed at the end of 1995, and this prompted the ZCTU to offer an alternative programme for economic reform entitled *Beyond ESAP*. Premised on the idea of 'bargained liberalisation', it attempted to "engage the state and capital in institutional structures, which would be used to set the form and pace of adjustment."³⁷⁹ This marked a period of pro-active

³⁷⁵ Brian Raftopoulos, 'Beyond the House of Hunger: The Struggle for Democratic Development in Zimbabwe,' Paper presented at the African Seminar, Centre for African Studies, University of Cape Town, May 1992, 30

³⁷⁶ Lucien van der Walt, 'Trade Unions in Zimbabwe: For Democracy, Against Neoliberalism,' Paper presented at the 'Workshop on Comparing Experiences of Democratisation in Nigeria and South Africa,' Centre for African Studies, University of Cape Town, June 1998, 13

³⁷⁷ Brian Kagoro, 'The Opposition and Civil Society' in Richard Cornwell (ed), *Zimbabwe's Turmoil: Problems and Prospects*, ISS Monograph Series, No. 87, 2003, 15

³⁷⁸ Author Interview, Brian Raftopoulos: academic and activist, , 1 August 2005 Cape Town, South Africa

³⁷⁹ Brian Raftopoulos, 'The Labour Movement and the Emergence of Opposition Politics in Zimbabwe' in Brian Raftopoulos and Lloyd Sachikonye (eds.), *Striking Back: The Labour Movement and the Post-Colonial State in Zimbabwe, 1980-2000*, (Harare: Weaver Press, 2001), 10

engagement by the ZANU-PF government with labour's proposals and tempered headway being made on certain issues.³⁸⁰

THE CHALLENGE EXERTED

This "rapprochement" was short-lived given the "inability of the state to maintain high levels of social expenditure, a noticeable economic contraction, and increasing levels of concern about corruption and the democratic credentials of the state, all contributed to open criticism of the ruling party."³⁸¹ A large public sector strike in 1997 allowed for relations between ZCTU and the Public Sector Association (PSA) to be cemented. ZCTU lobbied for a collective bargaining system and fairer dispute resolution mechanisms for this sector. The intensity of the strike action escalated into a national crisis that reflected the growing politicisation of labour relations. Furthermore, the "tone of these strikes became increasingly confrontational", with some strikers predicting the impending "fall of the government."³⁸²

The strike action was interpreted as a political challenge rather than an industrial dispute, and when ZCTU called for solidarity demonstrations and a national strike, the state threatened military intervention and introduced a ban on demonstrations, thus signalling the failure of broader strike action as a "tactical retreat" by striking workers eventuated.³⁸³ What is important in the analysis of this strike is that it was called in alliance with broader civil society organisations including churches, human rights and student groups – alliance groups would later constitute the Movement for Democratic Change (MDC). ZCTU's imperative to align itself with these groups stemmed from the fact that despite the gains it had made, its supine position in affecting economic policy still remained, and therefore sought a political solution to the growing economic crisis. The failure of the state's initiative to construct a consultative framework for policy through the National Economic Consultative Forum (NECF)

³⁸⁰ It is important to note that the merging of the Zimbabwe African People's Union with ZANU and 1988 led to the creation of ZANU-PF

³⁸¹ Brian Raftopoulos and Ian Phimister, 'Zimbabwe Now: The Political Economy of Crisis and Coercion,' *Historical Materialism*, 12,4 (2004), 364. Also, Suzanne Dansereau, 'Labour and Democratisation: Potential of Labour's Political Challenge in Zimbabwe,' Paper presented at 'Reconceptualising Democracy and Liberation in Southern Africa' Conference, Windhoek, July 2002

³⁸² Dansereau, 7

³⁸³ Dansereau, 7

and the labour movement's withdrawal from the forum, precipitated the need for the formation of political alliances.³⁸⁴

In this move towards political unionism, ZCTU became the central agent in the formation of the National Constitutional Assembly (NCA), with the primary objective of this body to lobby for constitutional reform. The labour movement's centrality in the NCA located it at the heart of opposition politics. In 1999 the ZCTU increased its political campaign and facilitated the National Working People's Convention (NWPC) which would "critically analyse issues through discussion based on society's views and experiences, and identify together how best to improve the current situation for the betterment of every Zimbabwean regardless of political affiliation, race, tribe, colour or creed."³⁸⁵

Dansereau asserts that the mandate of the NWPC was essentially to map out strategies that would protect workers from the prevalent harsh economic conditions and forming a strong democratic and 'popularly-driven' and organised people's movement.³⁸⁶ In September 1999 it was resolved at a ZCTU congress that the union together with other popular groups would give its support for the NWPC to become a fully-fledged opposition party and contest the elections held in 2000 on the MDC platform. So, while trade unions led the organisation, labour was but one of a number of organisations which constituted the broad political alliance of popular classes of this movement.

AUTHORITARIAN RESPONSES

The 2000 constitutional referendum victory for the MDC represented perhaps the sternest test of the newly emergent movements' ability to contest the states' hegemony. With a developing economic crisis, the victory not only sounded the deep dissatisfaction with the ZANU-PF, but also the "capacity to mobilise this discontent

³⁸⁴ Dansereau, 7-8

³⁸⁵ Brian Raftopoulos, 'The Labour Movement and the Emergence of Opposition Politics in Zimbabwe,' 23

³⁸⁶ Dansereau, 9-10

into an effective opposition.”³⁸⁷ A second impressive election showing by the MDC in the Parliamentary elections later in the year entrenched and sustained a campaign of violence and intimidation against opposition and dissent within Zimbabwe. The central feature of this violence and intimidation, moreover, was that it was enacted and supported through state institutions and organisations, at times openly and unfailingly inconspicuous. This was most apparent during the 2002 Presidential elections which, in addition to violence exacted on opposition supporters, also “continued th[e] pattern of poorly concealed legality.”³⁸⁸ Indeed, the incumbent regime has become increasingly repressive, and has articulated a project that has been described as authoritarian nationalist.³⁸⁹ Indeed, it has been argued further that:

[...] what we have seen, in particular since 2000 and the near loss of power by ZANU-PF in the 2000 election is a restructuring of the state around an increasingly repressive agenda [...] there has been a militarization of certain aspects of the states by putting military people in charge of [certain areas] of the state like transport, food, energy, the election process and then of course the physical attacks on the opposition, on civil bodies, on civic leaders and this was constructed through a revived nationalism [...]³⁹⁰

Through this increased repression, militarization and revived nationalism, the trade union movement has found itself as the key target of government action. In addition to direct physical attacks on organised labour, more pernicious and historically-repetitive attempts to create alternative trade union structures have been evident. Set up in the 1990s, the alternative Zimbabwe Federation of Trade Unions (ZFTU) was remobilised to contest and “undermine the organisational autonomy” of the ZCTU.³⁹¹ The modus operandi of the ZFTU was to “organise a series of factory *invasions*” to demonstrate its capacity to effectively and expeditiously settle protracted disputes.³⁹² Under sanction from the state, the ZFTU was able to flout the Labour Relations Act and bypass the legislated mechanisms for labour dispute regulation. Such acts served to encumber the ability of the ZCTU to rally support from a highly disaffected

³⁸⁷ Raftopoulos and Phimister, 364. These authors contend moreover that the victory in the elections was interpreted by members of the ruling party and the war veterans’ movement as a vote against the “provision in the government’s proposed constitution that the British government should pay for compensation for land appropriated by the state.”

³⁸⁸ Dansereau, 11

³⁸⁹ Author Interview, Brian Raftopoulos

³⁹⁰ Author Interview, Brian Raftopoulos

³⁹¹ Raftopoulos and Phimister, 368

³⁹² Raftopoulos and Phimister, 369, Author emphasis

membership, even to the point that the ZFTU used “forced mobilisation” to increase its membership base. This strategy, according to the Secretary General of the ZCTU, has been described as:

What happens is that the ZFTU are able to mobilise ‘youth’ to visit companies, they give a membership form to the employees to sign and if any refuse to sign, they are seen as being sympathetic to the opposition. Workers are told that if they *do not join the ZFTU, they are opposing the government.*³⁹³

Thus, it is evident that the state’s attempt to restructure the state around an increasingly repressive agenda has seen it mobilise forces that attack its own structures and mechanisms to promote its agenda.³⁹⁴ For the state, this strategy of trade union emasculation was not particularly successful, and rather, they have is “started working through affiliates within the union, who they are putting money into and using [...] to attack the leadership. Most recently, there have been physical assaults on the leadership of the ZCTU by some of these affiliates [...] Basically they [the state] are trying to in effect break the organisations that provided the basis of the MDC as an opposition.”³⁹⁵ More recently, the ZCTU suspended four affiliate union leaders who were found guilty of “brining the name of the name of ZCTU into disrepute. These union leaders were found guilty of “going to the press [and] attacking the ZCTU leadership without authority, their aggressive nature which led the to assaulting and disturbing General Council meetings, making public statements to the press without the approval of the General Council, hiring thugs to disrupt ZCTU activities, communication with other international bodies like the ILO and ICFTU without approval of the General Council” amongst others.³⁹⁶

Certainly, while the trade union movement has been a key target for the incumbent regime’s sustained attacks, the state has also attacked the civics and the constitutional movement as forces of opposition and dissent. The effect of these sustained attacks, in addition to the closing of political space, has been enumerated by Makumbe to be the,

³⁹³ *The Worker*, 2000 quoted in Raftopoulos and Phimister, 368. Our emphasis

³⁹⁴ Raftopoulos and Phimister, 368

³⁹⁵ Author Interview, Brian Raftopoulos

³⁹⁶ The four union leaders were from Zimbabwe Construction and Allied Workers Union; Zimbabwe Leather, Shoe and Allied Workers Union; Transport and General Workers Union; and the Associated Mineworkers Union. See Zimbabwe Congress of Trade Unions, ‘ZCTU suspends for affiliate union leaders,’ [Available Online] <http://www.zctu.co.zw/html/stmts/188877.shtm> [2005, 13 August].

Breakdown of the rule of law resulting in many cases of human rights abuse and denial of access to justice for victims; promotion of the political culture of fear and the negation of the democratic ethic, which have in turn resulted in increased levels of apathy on the part of the majority of the people [...]³⁹⁷

As the result of what has been described as an “unremitting war of attrition,” the record of Zimbabwe’s democratic recession is steeped in a history of repeated practices, namely the “determination to remove any alternative political voice” and moreover, that the ZANU-PF government has “used violence in every major election” and is a “central feature of the move towards authoritarianism.”³⁹⁸ Further, and intimately connected to the constriction of alternative political space and attendant violence, is the belief that “only a party of liberation, in this sense ZANU-PF, has *the right* to rule Zimbabwe. This is a central part of the ZANU ideology [...] there is the perception that the state belongs to ZANU-PF. It is not a national state, but a party state”³⁹⁹

But the centrality accorded to the party, places any remnant or prospect of democracy in a highly precarious position given the emergence of factional struggles within the party. At the ZANU-PF Party Congress in 2004, the ‘scramble’ for vacant party positions saw the emergence of two contesting groups splintered on “clan and ethnic lines.”⁴⁰⁰ The highly authoritarian practices of the ruling party in the political sphere became a reflection of such practices within the party. The eventual winner “came down hard on its rivals, demoting or stripping a number of members associated with the losing faction of both party and government positions.”⁴⁰¹ The internal political climate within ZANU-PF at the time, posed more of a threat to the party’s cohesiveness and ability to challenge in the 2005 parliamentary elections.

³⁹⁷ John Makumbe quoted in Wole Olaleye, ‘Political Parties and Governance in Zimbabwe,’ EISA Occasional Paper Number 18, March 2004, 2

³⁹⁸ Author Interview, Brian Raftopoulos. Also, Stephen Chan, *Citizen of Africa: Conversations with Morgan Tsvangirai* (Cape Town: Fingerprint Co-operative, 2005)

³⁹⁹ Author Interview, Brian Raftopoulos

⁴⁰⁰ The contest was between the Zezuru faction led by retired Army General Rex (Solomon) Mujuru while the Karanga faction was led by the Speaker of Parliament, Emerson Mnangagwa. After significant ‘politicking’ on both sides (which saw the passing of a declaration replacing all members of the presidium, save Mugabe, while the Mujuru faction countered with amendments made to the party constitution to reserve a vacant vice-presidential position for a woman) the Mujuru faction won the position, and Joyce Mujuru assumed the vice-presidency. See International Crisis Group, ‘Post-Election Zimbabwe: What Next?’, Africa Report, No. 7, June 2005, 10

⁴⁰¹ International Crisis Group, ‘Post-Election Zimbabwe: What Next?’, 10

There were two goals to ZANU-PF's approach to the election. First, that it needed to ensure that it could control the result; and second, that such control would nevertheless pass for a 'clean' election, and thus bestow some form of legitimacy onto the process. The elections did not garner the resort to any widespread violence, and there was even a 'tolerance' of opposition campaigning. But the prior five years of "intense violence and propaganda had instilled sufficient fear in the populace and weakened the opposition to the point that Mugabe and ZANU-PF were confident of a victory without resorting to over political violence."⁴⁰² With such confidence and the general attempt to convey a legitimate environment for 'free and fair' elections, a significant number of important civil society organisations were invited to supervise the elections. Conspicuously, and indeed, deliberately absent were the ZCTU. Part of ZANU-PF's ideological mission, is to narrow the idea of the 'nation', or more clearly, to entrench the binary between the ruling party as 'sons of the soil' and all others, specifically the trade union movement, as 'agents of imperialism.'⁴⁰³ The motivation for excluding the ZCTU from observing the election, and by couching it in the 'agents of imperialism' rhetoric, it was argued that,

[T]he ZCTU over the years acted in league with external forces, in particular the Blair government and the British Labour Party, to cause the imposition of sanctions against Zimbabwe.⁴⁰⁴

The offensive against any opposition, or perceived opposition, took on a harsher complexion after the elections. Perhaps the most telling has been the urban 'clean up' campaign dubbed Operation Murambatsvina. The rationale underscoring this exercise is that the state is "trying in effect to break the organisations [and groupings] that have provided the basis of the MDC" and through this they have effectively "restructured the social base of the urban areas where the MDC have their major support. So there are a number of levels now in which the state has restructured both the social and political and economic mechanisms through which any opposition has to operate."⁴⁰⁵

⁴⁰² International Crisis Group, 'Post-Election Zimbabwe: What Next?,' 10

⁴⁰³ Author interview, Brian Raftopoulos. Also, Raftopoulos and Phimister, 364

⁴⁰⁴ Mail and Guardian (South Africa) 'Zim govt. shuts out trade unions from poll' [Available Online] <http://www.mg.co.za> [2005, 15 March]

⁴⁰⁵ Author Interview, Brian Raftopoulos

STATE STRENGTH AND OPPOSITION FRAGMENTATION

The use of both the “coercive” and legislative arms of the state to contain opposition, is essentially the negation of the notion of a ‘failed’ Zimbabwean state. Rather, the state is an “extremely powerful weapon [...] It is an effective repressive state, and therefore it is able to use its machinery effectively against the trade unions and the MDC.”⁴⁰⁶ The enactment of draconian legislation such as the Public Order and Security Act (POSA) has allowed the state to sharply curtail the important freedoms of movement, association and assembly. In addition, the POSA “grants the government power to proscribe public statements deemed ‘likely to undermine public confidence’ in the government or foment ‘feelings of hostility’ towards the president. It has regularly been interpreted by the government to give police the right to deny permission for public meetings.”⁴⁰⁷ In line with the analogous abidance to earlier repressive measures, POSA is a manifestation of the earlier Law and Order Maintenance Act, which was used to “stifle the emergence or continuance of opposition voices.”⁴⁰⁸ The impact of this legislation on trade unions has been damaging. The tangible effect of such attempts at legislative containment had been a sharp decline in urban polling places in addition to the physical attacks and intimidation of MDC voters.⁴⁰⁹ In addition, activity in the public sphere has been severely constricted by the promulgation of legislation that aimed to monitor and regulate all non-governmental operations.⁴¹⁰

For opposition in Zimbabwe, a worrying development has been the splitting of the MDC into two factions. After the defeat in the 2005 election, concern over the survival of the party was rife, particularly given the significant decline in parliamentary representation. Internally, there was a lack of unity across “a number of strategic, leadership, ideological ethnic and even generational fault lines” and the effect of this within the movement has been a lack of “consistent and coherent” opposition.⁴¹¹ The decision to participate in the Senate elections fomented the development of two factions within the opposition movement. One faction, led by

⁴⁰⁶ Author Interview, Brian Raftopoulos

⁴⁰⁷ International Crisis Group, ‘Post-Election Zimbabwe: What Next?’, 5

⁴⁰⁸ Kagoro, 11

⁴⁰⁹ Olaleye, 7

⁴¹⁰ International Crisis Group, ‘Post-Election Zimbabwe: What Next?’, 5

⁴¹¹ International Crisis Group, ‘Post-Election Zimbabwe: What Next?’, 11

Welshman Ncube, adopted a more 'pragmatic' approach and curried favour with professionals, academics, civic leaders and the like, eschewing the reliance on mass action and preferring contestation through the courts. The other, continuing to be led by Morgan Tsvangirai, has retained a leadership experienced in the labour movement, and have preferred to engage the state through mass action. As Tsvangirai has noted,

The MDC is committed to see a resolution of the national crisis. The crisis has assumed such a catastrophic level that for us to divert from this people's project, and the people's project being to popular resistance against dictatorship, I think it s the greatest betrayal.⁴¹²

But this programme has been unsuccessful, creating inertia within the opposition. As one analyst has argued,

The real fault line in the MDC is its inability to continue to mobilise people on the route of mass democratic resistance, mass action and other forms of struggle outside the electoral [...] channels. The absence of what people called a 'Plan B' and the weakness in the alliance that emerged before the election are the real threat to the MDC.⁴¹³

In addition, there has been the emergence of tensions and rifts within civic groups like the NCA and pro-democracy academics over accusations that the MDC has rather abandoned the "constitutional reform platform on which it was originally formed in favour pursuing a purely bureaucratic struggle for power." For the trade union movement in particular, this has been particularly apparent. The relationship between the ZCTU, once the bedrock of the MDC (now, MDC-Tsvangirai), has suffered. The MDC has failed to "cultivate its alliances well," so much that the ZCTU has charged that the party has treated the union movement as "a Caterpillar that digs the road, and as soon as it is smooth and ready for use, the Caterpillar is banished and punished it tries to drive on it."⁴¹⁴ This discarding of the labour movement has been as a result of the change in the MDC becoming a parliamentary party and as such, there has been "a loss of linkage, a loss of communication with these bodies that gave birth to them in the first place." Moreover, for the ZCTU, there is not sufficient trade union

⁴¹² Morgan Tsvangirai interview with SW Radio Africa, 9 June 2006. Interview transcript available online, <http://www.mdczimbabwe.org> [2006, 9 June]

⁴¹³ Quoted in International Crisis Group, 'Post-Election Zimbabwe: What Next?', 13

⁴¹⁴ Wellington Chibebe, Secretary General: ZCTU as cited in International Crisis Group, 'Post-Election Zimbabwe: What Next?', 13. 'Caterpillar' in this sense refers to the construction machinery.

representation in MDC structures, feeling rather that “they have been pushed aside in the primary elections and the elections to various organs within the body, so they don’t feel represented within the MDC as a body.”⁴¹⁵

But while blame is apportioned to the MDC for the strain in its relationship with the union movement, the latter have also not been in a position to foster or cultivate these relationships. Organisationally, trade unions are undergoing a “difficult period” as they continually have to counter the internal divisions created by the infiltration of affiliate unions as discussed above. This in turn has had a negative effect on the national executive putting forward coherent positions and agendas. In addition, Zimbabwe’s economic crisis, witnessed through spiralling inflation, increasing unemployment and general disruption to the economy has impacted adversely at the shop-floor level and thus on the membership. In addition, unions have been so focused on contesting the state to ensure their survival that they have neglected their organisational issues.⁴¹⁶ The effect of this continual confrontation with the state moreover, has seen the decline of regulation of industrial relations, particularly in an environment of hyper-inflation. In late 2005, the industrial relations environment was,

[...] fraught with problems because every wage negotiation is a huge battle because of the inflationary spiral. You cannot plan a wage negotiation longer than a month, because almost every month, you’d have to do a review under hyper-inflationary [conditions] and that is causing huge problems within firms. It also means that the threat of unemployment is a constant threat now for workers and is making them increasingly vulnerable. I would say there is no capacity for planning in industrial relations in Zimbabwe and that means they are dealing with problems on an everyday basis to try and relate to escalating inflation, unemployment, lack of macroeconomic direction from the state, no fuel in the economy, workers can’t even get to work.⁴¹⁷

CONCLUSION

Despite this “difficult period,” however, the trade union movement has consistently attempted to challenge ZANU-PF’s hegemony. The resort to strike action, or the *threat* of such resort, has characterised much of the discourse of opposition. In light of the decay in the economic, social and political spheres, there is acknowledgment that

⁴¹⁵ Author Interview, Brian Raftopoulos

⁴¹⁶ Author Interview, Brian Raftopoulos

⁴¹⁷ Author Interview, Brian Raftopoulos

the trade union movement has been “cowed by Mugabe’s tactics of routinely deploying riot police and the military to crush street protests, [however] worsening hunger and poverty are fanning public anger [and] with proper planning and organisation” could be easily “manipulated”, both by the unions and the MDC.⁴¹⁸ With a “resurgence of support for democracy in Zimbabwe,” this planning and organisation of the trade union movement is premised upon rectifying internal structures first.⁴¹⁹ Specifically, for trade unions to become a social force for the promotion of democracy in Zimbabwe, they need to “concentrate on consolidating their own positions, putting a lot more effort into dealing with internal democratic questions, organisational issues, and dealing the new demands of their members under these crisis conditions.”⁴²⁰

Zimbabwe represents the most ‘extreme’ form of trade unions’ ability to promote democracy in the cases under consideration. Indeed, through the formation of the MDC, trade unions, as well as broader constituents of civil society, had a direct impact on creating an institution of political society to challenge directly for state power. It is illuminating further to witness the gulf that develops both *within* this formation and *between* it and civil society organisations. On the whole, while trade unions were fundamental actors in promoting democracy by having significant input into the political sphere, they have had difficulty in *restoring* democracy in an increasingly repressive and authoritarian environment.

⁴¹⁸ Mail and Guardian (South Africa) ‘Zim unions, MDC still plan anti-govt protests’ [Available Online], <http://www.mg.co.za> [2006, 22 May].

⁴¹⁹ For a good examination of public attitudes to democracy in Zimbabwe, see Eldred Masunungure, Anyway Ndapwadza and Noma Sibanda ‘Support for Democracy and Democratic Institutions, Afrobarometer Briefing Paper, 27, [Available Online] <http://www.afrobarometer.org>. The authors argue that after an ‘aberration’ in 2004, where support for democracy declined significantly, the 2005 findings serve as a correction.

⁴²⁰ Author Interview, Brian Raftopoulos

8.

SWAZILAND

DECOLONISATION AND LABOUR CONTROL

Unlike the other cases under examination, Swaziland represents an ‘aberrational’ example in the process of democratic reform. As will become evident in the discussion below, the development of trade unions in opposition to the state is intimately linked to the internal political processes that characterised the ante- and post-decolonisation epochs. The institution of an absolute monarchical system of rule characterises the *sui generis* experience of Swaziland’s decolonisation in Southern Africa. Any understanding of the current Swazi political economy needs to place due consideration on the history of constitutionalism and constitutional development. Indeed, such understanding is integral in locating the social and political context in which trade unions are presently engaged in promoting and defending democracy. A further central consideration is the use of ‘tradition’ and ‘traditionalism’ to legitimate the status quo.⁴²¹ As will be evident in the discussion below, through the “systematic process of the creation and resuscitation of traditions, the Swazi monarchy survived and became the hegemonic force in Swazi society.”⁴²²

The initiation of calls for independence by the European Advisory Council in 1960 was premised on the desire to establish a Legislative Council for Swaziland.⁴²³ Supported by King Sobhuza, this move eventuated in a Constitutional Conference in 1963 which led to promulgation of a constitution that bifurcated representation in a racially-disproportionate Legislative Council that consolidated the influence of the small white community, but strengthened the control of the king and royalists over

⁴²¹ For a synopsis of the tensions between ‘traditional’ and ‘modern’ rule in Swaziland, see Joshua Mzizi, ‘The Dominance of the Swazi Monarchy and the Moral Dynamics of Democratisation of the Swazi State,’ *Journal of African Elections*, 3,1, 2004, 94 -199.

⁴²² Richard Levin, *When the Sleeping Grass Awakens: Land and Power in Swaziland* (Johannesburg: University of the Witwatersrand Press, 1997), 1

⁴²³ The European Advisory Council was established in 1921 to primarily represent the interests of white capital, but had a strong political influence as well. See Jackie Kalley, ‘Historical Background’ *Swaziland Election Dossier*, No. 1 (Johannesburg: Electoral Institute of Southern Africa, 2003), 2

rural constituencies.⁴²⁴ The effect of this constitution moreover, was to legitimise political parties and “provide a transitional structure through which Swazis could play their role in preparation for receiving independence on the Westminster model of parliamentary democracy.”⁴²⁵ While political parties in pre-independent Swaziland were encouraged, they were nevertheless seen to “lead Africans to hardship” by undermining traditional authority.⁴²⁶ Further constitutional negotiations served to establish a Constitution that paved the way for independence from Great Britain in 1968.

While the ‘tale’ of Swazi independence foregrounds constitutional negotiation and development, in the background, trade unions were instrumental in influencing the form of decolonisation and independence. Industrial action had been a feature of Swaziland’s industrial and labour history, even though worker organisations did not emerge until the 1960s. Rather, such organisation was premised on the ‘Nduna system’ in which the Ndunas were appointed by the king and “paid by the firm to which they were accredited and it is not unlikely that workers ha[d] in some cases come to regard them as representatives of the employers rather than of workers and that [...] it seems probable that some Ndunas has been appointed for their political rather than their industrial experience.”⁴²⁷ Given the ineptitude of this system or worker organisation and control, and the wider context of political change, workers realised the need and importance of trade unions. The formation of the Swaziland Mining Workers Union in 1962 precipitated a series of strike actions that highlighted the rooted grievances and dissatisfaction with the colonial economy and the local bourgeoisie.⁴²⁸ There were two observable effects of the strike action. First, the state was uncompromising in its reaction to workers and used violent and repressive means to quell opposition. Second, the action also allowed opposition political formations to ‘capture’ the disaffected working class and promote a broader extra-legal oppositional base. Chief among these opposition formations was the Ngwane National Liberatory

⁴²⁴ Kalley, 3.

⁴²⁵ Joshua Mzizi, *Political Movements and the Challenge for Democracy in Swaziland*, Electoral Institute of Southern Africa Research Report, No. 18, 2005, 11

⁴²⁶ Levin, 61

⁴²⁷ FC Catchpole ‘Report of Labour Legislation’ as cited in Levin, 65-66

⁴²⁸ For greater detail, see Martin Fransman, ‘Labour, Capital and the State in Swaziland, 1962 – 1977,’ *South African Labour Bulletin* 7,6 (1982), 58-87. Also, Levin, 65-70

Congress (NNLC) which played a role in spearheading a series of strike actions.⁴²⁹ Further, while the series of strikes served to highlight the weakness of the king, it served in consequence to strengthen the alliance between settlers and the monarchy. Indeed, while there was recognition by settler-capital of the need for trade unions to focus on workplace issues, all “bourgeoisie forces were, however, united in their perception that the form taken by the strike posed a potential threat to their interests.”⁴³⁰

Through autocratic traditional practices, the monarchy, with the formation of the royalist Imbokodvo National Movement (INM), was able to consolidate its support base not only amongst the Swazi populace, but also further courted capital with its assurance to “create an atmosphere and inspire the confidence of those who invest in our country” and promising to “eliminate labour unrest as inimical to the economic advance of the country, and to this end, oppose the *exploitation* of labour through trade unions for political purposes.”⁴³¹

CONTESTING THE STATE, CONTESTING THE CONSTITUTION

With independence and the acceptance of the final Constitution in 1968, the monarchy, through the INM, assumed power with an overwhelming majority of support. Thus, a constitutional monarchy based on “tribal nationalism and authoritarian populism,” approached organised labour with attitudes influenced and informed in the early 1960s.⁴³² Although there was legal sanction for the establishment of trade unions, the state actively discouraged their formation, but “stopped short of preventing their emergence.”⁴³³ Attempts at controlling labour also saw the INM and employers initiate a process to create a trade union, but this was

⁴²⁹ Nomthetho Simelane, ‘The State and the Working Class: The Case of Swaziland’, in John Daniel and Michael Stephen (eds.) *Historical Perspectives on the Political Economy of Swaziland: Selected Articles* (Manzini: Social Science Research Unit, 1986), 147

⁴³⁰ Levin, 70

⁴³¹ Levin, 76, our emphasis. However, after failing to convince the British colonial government on the applicability of the monarchy for Swazi post-independence rule, “[T]he creation of the *Imbokodvo National Movement* gave the traditionalists a vehicle by which they could challenge the political parties on their own terms but with the power and prestige of the monarchy solidly behind them,” see Mzizi, 27

⁴³² Khabele Matlosa, ‘Democracy and Conflict in Post-Apartheid Southern Africa: Dilemmas of Social Change in Small States,’ *International Affairs*, 74,2 (1998), 321

⁴³³ Fransman, 76. It is important to note that independence also saw a decline in the number of trade unions operating in Swaziland.

abandoned and greater emphasis was placed on instituting a transformed Nduna system.⁴³⁴ Thus, at the regulatory level, the elaborate framework of labour legislation that developed after the 1963 strikes was undermined by a preponderance of employer-favoured works councils in the regulation of disputes.⁴³⁵ Indeed, while capital was given the upper-hand through the institutionalisation of these councils, the councils did purport to hinder constructive engagement between management and labour. This was best witnessed by the large increase in strike and lock-out activity.⁴³⁶ The primacy afforded to works councils was underscored by a deeper political motive of sidelining trade unions, and couching organised protest as ‘un-Swazi.’ As the king remarked,

For the good of the employee and for the good of the country, there should be cooperation between the employer and the workers. The relationship between them was that between a father and mother. They worked together for the child, knowing that their future security depends on that child. Inevitably, there would be family quarrels – but these should be solved by restrained and calm discussion, not by banging on tables and shouting – that was foreign to the Swazi way of life.⁴³⁷

By the early 1970s, there were palpable signs of increasing social and economic unrest in Swaziland. In light of declining wage levels and living standards, elections in 1972 saw the opposition NNLC win three seats in the House of Assembly.⁴³⁸ The three seats were delivered by a strong working class constituency. The NNLC’s small, but highly symbolic victory was seen as an affront and an ‘insult’ to the ruling monarchy.⁴³⁹ The resulting action was to become a watershed in the political history of Swaziland. In April 1973, the king issued a royal decree suspending the Constitution, banning all political parties and then assumed the full judicial,

⁴³⁴ Donald Kowet, *Land, Labour Migration and Politics in Southern Africa: Botswana, Lesotho and Swaziland* (Uppsala: Nordiska Afrikainstitutet, 1978), 185. Also Levin, 88

⁴³⁵ The works council consisted of four workers representatives and four employer representatives. A king’s representative, now called the Ndabazabantu, was also appointed to liaise with the council and be the king’s ‘voice’ to management and workers. The council sought to “[P]rovide a recognised means of consultation between management and employees on all matters of common interest not covered by any wage negotiating body.” See Fransman, 77, also Levin, 88

⁴³⁶ D.M Akinnusi, ‘Industrial Relations and the Development of Swaziland,’ *South African Journal of Labour Relations* 20,4 (Summer, 1996), 27

⁴³⁷ Quoted in Levin, 89

⁴³⁸ The INM, it should be remembered, had won all of the 24 seats in the pre-independence election. Fransman provides an authoritative analysis of the real declines in income standards, see Fransman 82-84

⁴³⁹ Robert Davies; Dan O’Meara and Siphon Dlamini, *The Kingdom of Swaziland: A Profile* (London: Zed Books, 1985), 46

legislative and executive capacity of the state. Citing political parties as the primary reason for this injunction, the king argued that that they were anathema to the ideas of national unity and deemed to be alien to the social fabric of the Swazi and the country.⁴⁴⁰ Further, the king proclaimed that the constitution was the cause of growing unrest, disaffection and insecurity and was an obstacle to development in the country. It was argued that the constitution failed to produce the institutions for good governance and order and importantly, that it had “permitted the importation into our country of highly undesirable political practices alien to, and incompatible with, the way of life of our society and designed to disrupt and destroy our peaceful and constructive and essentially democratic methods of political activity.”⁴⁴¹

In 1977, the parliamentary system was replaced through royal imposition of the Tinkhundla system – essentially, a means to integrate traditional Swazi forms of government with modern systems. Under the Tinkhundla, the election of parliamentarians occurs outside of the political party system, with provision made for the king to make ten appointees to the 65 member National Assembly. While purporting to be a traditional democratic system of representation, it merely provides the veneer of a system of democratic representation.⁴⁴² Moreover, through the Tinkhundla, the monarch could exercise absolute power over the executive and legislature, “and appoint the prime minister, who then appoints the cabinet, which is subject to the King’s approval.”⁴⁴³ Thus, the political system in Swaziland assumed an unaccountable and autocratic character. These characteristics of the political system have continued till the present with the “monarchy continuing to exert its political and economic hegemony over the Swazi polity.”⁴⁴⁴ While the entrenchment of political hegemony is evident, economic hegemony was entrenched through state-directed accumulation through the establishment of Tibiyo Takangwane – ultimately a “smokescreen for domestic capital formation.”⁴⁴⁵ The establishment of Tibiyo was to

⁴⁴⁰ Claude Kabemba, *Swaziland’s Struggle with Political Liberalisation*, Electoral Institute of Southern Africa Research Report No.3, 2004, 5

⁴⁴¹ Cited in Khabele Matlosa, ‘Constitutional Development,’ *Swaziland Election Dossier*, No. 1 (Johannesburg: Electoral Institute of Southern Africa, 2003), 12

⁴⁴² Shumbana Karume, ‘Swaziland’s Electoral Process,’ *Swaziland Election Dossier*, No. 1 (Johannesburg: Electoral Institute of Southern Africa, 2003), 23

⁴⁴³ Kabemba, 9

⁴⁴⁴ Matlosa, ‘Democracy and Conflict in Post-Apartheid Southern Africa: Dilemmas of Social Change in Small States,’ 322

⁴⁴⁵ Levin, 85

create an investment fund for mineral rights held, according to the independence Constitution, by the king 'in trust for the nation.'⁴⁴⁶ Under the stewardship of directors personally appointed by the king, it was publicly unaccountable to parliament and "remained firmly under comprador control."⁴⁴⁷

CHALLENGING ARISTOCRATIC AUTOCRACY

While efforts at democratisation in the region were continuing apace during the 1980s and 1990s, Swaziland remained "an island of aristocratic autocracy."⁴⁴⁸ Notwithstanding these autocratic practices of the ruling regime, the mounting discontent over the exclusion of the populace manifested itself in the emergence of challenges to the regime by civil society organisations. The emergence of the People's United Democratic Movement (PUDEMO) in 1983 provided the impetus necessary to foment the notion of popular democracy within Swazi political discourse. Unlike some of the reticence that the NNLC displayed to openly court labour, a central objective of PUDEMO is to "build and popularise working class consciousness and rally social forces for change behind this revolutionary form of consciousness."⁴⁴⁹ While the trade union movement is a major constituency, it is moreover an amalgamation of youth groups, student organisations and other civil society groupings. PUDEMO attempted to pressure the state to revoke the 1973 state of emergency, unban opposition political parties, and lift restrictions on union activities, while commensurately restarting a process toward a democratic and a multi-party political system.⁴⁵⁰ The central point of PUDEMO's contestation to the incumbent regime is the Tinkhundla system. Indeed, it has consistently argued that the Tinkhundla regime "has a well-oiled machinery in financial and political terms owing to their control of the state apparatus, particularly the security forces, civil service, key sectors of the economy and a traditional base of loyalists," moreover, "is facing a deep and permanent crisis."⁴⁵¹

⁴⁴⁶ Quoted in Levin, 85

⁴⁴⁷ Levin, 86

⁴⁴⁸ Matlosa, , 'Democracy and Conflict in Post-Apartheid Southern Africa: Dilemmas of Social Change in Small States,' 333

⁴⁴⁹ Quoted in Mzizi, 20

⁴⁵⁰ Matlosa, , 'Democracy and Conflict in Post-Apartheid Southern Africa: Dilemmas of Social Change in Small States,' 333. See also Levin, 181

⁴⁵¹ PUDEMO Resolutions adopted at the Annual National Conference, Piet Retief, South Africa, 25-27 April 2003

The effect of this broad-based coalition advocating political reform was most clearly evidenced in the preponderance of strike activity and increasing militancy of trade unions. Specifically, by the mid-1990s a series of strikes with important political implications were held by the Swaziland Federation of Trade Unions (SFTU). In 1994, an unprecedented national strike in which labour put forth its '27 Demands' agenda shifted the balance of forces in favour of the labour movement, and gave workers the determination to engage and contest both employers and government.⁴⁵² The '27 Demands' essentially included both industrial and political grievance and charged employers and the state to address improvements in minimum wages, an end to racial and gender discrimination, the right to strike and organise without intimidation or repression and the unbanning of political parties, freedom of association and the right to march and demonstrate.⁴⁵³

Thus, the groundwork was set for continued conflict between the state and the labour movement. Despite the move toward a review of the Constitution under the auspices of the Constitutional Review Commission in 1996, the process was marred for being controlled by the King and not making suitable recommendations that reflected the will and desire of the Swazi polity. The Commission, chaired by the king's brother, was tasked with determining the wishes of the population on a new system of government and to make recommendations on the creation of a new constitution. The Commission concluded, in 2001, that "an overwhelming majority" accepted the Tinkhundla system and recommended that the system remain unchanged. Invariably, this meant that political parties would continue to be banned; the king would maintain executive powers; and the position of traditional advisers to the king would be strengthened with Swazi custom and tradition maintaining supremacy "over any contrary human rights obligations."⁴⁵⁴

During the review, numerous civil society groupings, including the banned PUDEMO expressed a lack of confidence in the process and its outcome. Trade unions were

⁴⁵² Kuseni Dlamini, 'The Old Order is Dying: Worker Militancy in Swaziland' *South African Labour Bulletin*, 19,1, (1995),85

⁴⁵³ Dlamini, 85. Also, Jacqui Salmond, 'Swaziland – Of Trade Unions and Transformation,' *Southern Africa Report*, (June, 1997), 7

⁴⁵⁴ Kalley, 3

particularly vociferous and embarked on sustained protest action. In 1997, wide-scale strike action was met with government repression and trade unionists were harassed, tortured and jailed. But this strike action allowed for the emergence of a number of important trends. The most important outcome of this strike was the consolidation of opposition groups into the Swaziland Democratic Association (SDA), and the development of a less adversarial relationship between labour and business. The strike action also led to greater cooperation between organised labour in the Southern African region, and indeed internationally.⁴⁵⁵ The renewed vigour, with which opposition groups contested the hegemony of the monarchy, saw positive gains being made particularly within the industrial relations arena.

Positive strides in the reform of labour law in Swaziland were evinced with the repeal of the 1996 Industrial Relations Act. That Act, which was not approved by the social partners, was “not a proper basis for the sound regulation of labour relations.”⁴⁵⁶ The International Labour Organisation (ILO) had also consistently urged the Swazi government to coordinate its labour policies with ILO Conventions. The Industrial Relations Act of 2000 purported to comply with international standards, and was placed at the centre of Swaziland’s industrial relations system. Its drafting process through the Labour Advisory Board, a tripartite institution representing all key stakeholders, stood at odds with the broader political and economic processes in the country. In addition, by purporting to conform to international standards and best practice, the Act became Swaziland’s “first ever serious attempt to unconditionally and unequivocally comply with international standards.”⁴⁵⁷ However, despite the purported gains for workers through the Act and moreover that it was formulated with the assistance of the Swaziland Federation of Trade Unions (SFTU) and the Federation of Swaziland Employers (FSE), before its promulgation the insertion of clauses criminalising some union activity and placing harsh restrictions on strikes, making them almost impossible, were a further testament to the states ambition to curtail pro-democracy activity.⁴⁵⁸ In terms of the Act, non-essential service employees

⁴⁵⁵ Salmond, 7

⁴⁵⁶ Sifiso Dlamini, ‘Law and Labour Market Regulation in Southern Africa: The Case of Swaziland,’ Paper presented at the *Labour Market Regulation in the SADC Region Workshop*, University of Cape Town, 12-13 January 2006, 13

⁴⁵⁷ Dlamini, ‘Law and Labour Market Regulation in Southern Africa: The Case of Swaziland,’ 13

⁴⁵⁸ James Hall, ‘Kingdom of Swaziland: Pressures for Political Reform’ in Colin Legum (ed.) *Africa Contemporary Record* vol. 27 (New York: Africana Publishing Company, 2004), 818

were permitted to engage in protest action over socio-economic issues, but protest action over purely political issues was rendered censurable.⁴⁵⁹ The problem, more generally and in Swaziland in particular, is that clear distinctions between socio-economic and political issues are very difficult. Moreover, the distinction between interrelation of socio-economic, political and workplace issues is problematic. For civil society groupings, it is impossible to address shop-floor problems outside the broader “political equation” of the country.⁴⁶⁰

Moreover, while the Act purported to bring consonance between Swazi and international labour law, “in reality is still contained some of the old restrictions of the 1996 Act.”⁴⁶¹ In addition there still remain many incongruities between the Act and international conventions. Among them are the long and complex procedures for announcing a strike; trade unions face civil liability for damages caused during a strike; and there is no protection for unions against employer interference.⁴⁶² As such, the industrial relations framework is weak and does not offer protection for workers. Moreover, “the bargaining process is at the mercy of a regime and institutional system that entrenched absolute despotism. The King maintains absolute rule, so the expression of any industrial or legal process is at the mercy of the monarch who can at will revoke it at any time. The framework is very fragile, very weak, and the framework seeks to create a smokescreen, giving the impression that the industrial relations regulatory system in Swaziland is working. It talks about processes such as Conciliation, Mediation and Arbitration Commission (CMAC), which is delaying process that really doesn’t address fundamental issues in Swazi industrial relations but does provide the impression that it caters for their needs, for checks and balances and more. It is in essence a framework that seeks to entrench the exploitation of workers.”⁴⁶³

⁴⁵⁹ Dlamini, ‘Law and Labour Market Regulation in Southern Africa: The Case of Swaziland,’ 17

⁴⁶⁰ Swaziland Youth Congress (SWAYOCO) Political Report presented at the 7th General Congress, Mpumalanga, South Africa, 17-20 June, 2004

⁴⁶¹ This was according to an annual survey of violations of trade union rights by the International Confederation of Free Trade Unions (ICFTU). See Afrol News [Online], ‘Swazi Government Remains fiercely anti-union.’ (2006) Available: <http://www.afrol.com/articles/12874> [2006, 10 June]

⁴⁶² Afrol News

⁴⁶³ Author Interview, Bongani Masuku, Swaziland Solidarity Network, Johannesburg, 2 November 2005

International awareness of these despotic measures eventuated in the suspension of Swaziland's trade privileges, which had previously allowed Swazi goods to enter the American market duty-free. Pressure from the South African union movement, COSATU, also saw the denouncement of the Swazi regime. In 2000, COSATU in solidarity with the SFTU blockaded the South Africa-Swaziland border in demand for political reform.

RALLYING AROUND UN-CONSTITUTIONALISM

In addition to the stranglehold placed on trade unions through industrial regulation, the constitutional process further asserted the hegemony of the monarchy. After the delayed findings of the CRC, in 2003, a Constitutional Drafting Committee led by another of the king's brothers presented a draft constitution that subverted input from the judiciary, executive and legislature. This draft constitution entrenched the absolute monarchy that was introduced after the 1973 Royal Proclamation and "protects and extends the already embedded political hegemony of the monarchy."⁴⁶⁴ Furthermore, it did not specifically prohibit the ability of the king to rule by decree and placed the king above the law by proposing that the king would be immune from any legal process. By entrenching judicial power in the king, parliament would effectively become advisory body, and allow the monarch to "make or decree law rejected by Parliament or promulgate laws without parliamentary participation."⁴⁶⁵ While denounced by civil society groupings, the Swazi Minister of Justice, briefing the South African parliament, ensconced the parochial nature of the constitution in the rhetoric of 'African-ness' by arguing that Swaziland had "opted for an African rather than a foreign democracy, and that the absence of political parties did not indicate that the constitution was undemocratic."⁴⁶⁶ Despite this rhetoric, the leader of the banned opposition PUDEMO noted that,

Civil society in their totality has denounced this constitution. The trade union movement and all other members of the civic movement were planning to protest the king. They were firstly protesting the process of constitution making which was undemocratic because it was not inclusive, and second, the

⁴⁶⁴ Matlosa, 'Constitutional Development,' 14

⁴⁶⁵ Claude Kabemba, 'The Struggle for Political Power in Swaziland,' *Swaziland Election Dossier*, No. 1 (Johannesburg: Electoral Institute of Southern Africa, 2003), 18

⁴⁶⁶ Economist Intelligence Unit, *Country Report, Lesotho-Swaziland*, April 2005, 32

product gives too much power to the monarchy and none to the people. The parliament, the legislature that is now on place, has no power at all and all power is with the king.⁴⁶⁷

As evidenced above and in light of the continued absence of internal legal opposition, the trade union movement has been at the forefront of the process of political reform, despite the limited space in which grievances may be expressed.⁴⁶⁸ But where once they were able to better contest royal hegemony, trade unions have now become more reticent to engage in-depth in the political struggle. As the General Secretary of the less prominent Swaziland Federation of Labour (SFL) noted, “[T]here is still hesitancy in going in-depth on the political issues because some unions view these things as so intractable, that you are going to spend half your term of office, if not all of it, trying to deal with these issues and less on the bread and butter issues for which we were elected.”⁴⁶⁹ In counterpoint, the leader of PUDEMO have argued that,

Labour has the best potential to turn around a society to what it should be, but in Swaziland, I think we have not had a properly visionary leadership and direction of the working class. A labour movement should not only concentrate on shop-floor issues, that is part of its role. It should not concentrate on that one, *because members of the labour movement are eventually members of the peasantry themselves, and should view their activities from a broader perspective [...]* Labour has to craft leadership and capacitate leadership for a proper vision towards democratic change.⁴⁷⁰

However, as a constituent of civil society, trade unions encounter the same problems as other civic groupings. Civil society has not been sufficiently active in Swaziland, due mainly to the “historical trend of tradition and culture” of the people, where repression has always been linked with the culture and tradition.⁴⁷¹ And it is precisely the mask of culture and tradition that has led to a dire socio-economic circumstance of the people through ‘traditional’ institutions such as the Tinkhundla and Tibiyo. As such, “poor people will accept anything, they become submissive, irrespective of the regime in power, because the pillars of democratic institutions are not there.”⁴⁷² Thus,

⁴⁶⁷ Author Interview, Mario Masuku, President: PUDEMO, Mbabane, Swaziland, 8 November 2005

⁴⁶⁸ Chris Maroleng, ‘Swaziland: The King’s Constitution,’ *Africa Security Review*, 12,3 (2003), 47 Also, Author Interview, Alex Langwenya, President: SWAYOCO and SFTU member, 9 November 2005, Manzini, Swaziland

⁴⁶⁹ Author Interview, Vincent Ncongwane, Secretary General: Swaziland Federation of Labour, 8 November, 2005, Mbabane, Swaziland

⁴⁷⁰ Author Interview, Mario Masuku, our emphasis

⁴⁷¹ Author Interview, Mario Masuku

⁴⁷² Author Interview, Mario Masuku

lacking strong ideological direction and organisationally weak, Swazi civil society is also constantly “under the watchful eye of government.”⁴⁷³

‘MESSIAHISM’ AND THE CULT OF PERSONALITY

This “watchful eye” is fixed particularly on the labour movement, for it represents the biggest threat to the incumbent hegemony. However in Swaziland, trade unions have undergone a process of significant internal emasculation. The SFTU, from its prominence in leading civil society agitation, has been more recently characterised as having a “timid” and “neo-conservative” leadership, thus stifling a more militant membership. Together with the SFL, the trade union movement has lacked ideological clarity and coherence especially on the form and methods workers should adopt to promote democracy and social change. With very weak organisational structures and poor coordination capacity, it is disconcerting that certain prominent civil society groups view trade unions “in collaboration with capital and the state most of the time,” and by narrow nationalism “sometimes confused by royal patronage and social chauvinism.”⁴⁷⁴ The SFTU specifically, “does not have an ideology of the workers,” and “has been more of a passive ideological trade union.”⁴⁷⁵ Further, given the heterogeneity of the union, there “are workers who are conservative and who are supporters of the status quo, so you have to tread very carefully in terms of your political education.”⁴⁷⁶

This ideological weakness has translated into poor ‘on the ground’ support amongst workers. When the labour unions organised a joint stayaway in early 2005 in protest over the draft constitution and the reckless expenditure of the royal family, only 500 members of an anticipated 20,000 attended. Despite the supine showing, the strikers were met with violence by the security forces and were warned that political marches, gatherings and meetings remained banned.⁴⁷⁷ The poor level of mobilisation has not escaped the unions, who believe that only through organising at the levels last

⁴⁷³ Author interview, Mario Masuku

⁴⁷⁴ SWAYOCO Political Report

⁴⁷⁵ Author Interview, Alex Langwenya

⁴⁷⁶ Author Interview, Alex Langwenya

⁴⁷⁷ Economist Intelligence Unit, April 2005, 34

witnessed in the mid-1990s, could they again be in a position to “force government to listen.”⁴⁷⁸

But organised labour has been racked by a “cult of personality” that has signalled a rift within the movement.⁴⁷⁹ The development of “messiahism” of the union leadership, particularly in the SFTU, has been extremely debilitating.⁴⁸⁰ Again, as the result of a lack of political education and conscientisation of the membership particularly after the previous success of the labour movement,

[...] workers began to see the leadership as having all the answers to all the problems, so they developed some form of ‘messiahism’ to the leadership. The result of this, was that leaders developed processes of unaccountability to the workers. When they became unaccountable to the workers on how the resources of trade unions were to be utilised, there were splinters [...] that is how the SFL came about [...] It [the SFL] is a strong trade union movement but it has its weaknesses, the same weaknesses that are experienced by the SFTU whereby workers are not politicised.⁴⁸¹

With this ‘messiahism’ and the lack of an accountable leadership, “workers have been sacrificed by conservative elements who do not want radical action because they are in bed with the bosses and benefit from the crumbs that fall from the bosses’ table. We have seen some trade unions being reluctant to take up seriously the issue of privatisation and retrenchments, which led to the massive suffering of workers and their families [...]”⁴⁸² The internal functioning of the union movement is thus affected by the culture of misrepresentation which creates suspicion within the movement. Within the unions, there “are people who want to hijack the organisational structures for their political organisations’ agenda. So that is problematic for some unions [as] it is pitting them directly against political parties, PUDEMO *specifically*. So already, there have been divided political groupings and divided unions.”⁴⁸³ When the SFTU suspended three affiliate unions in August 2005 for apparent arrears in subscription fees, the unions countered that they had halted their subscriptions

⁴⁷⁸ Author Interview, Vincent Ncongwane

⁴⁷⁹ Economist Intelligence Unit, *Country Report, Lesotho Swaziland*, July 2005, 32

⁴⁸⁰ Author Interview, Alex Langwenya

⁴⁸¹ Author Interview, Alex Langwenya

⁴⁸² SWAYOCO Political Report,

⁴⁸³ Author Interview, Vincent Ncongwane

because of the lack of accountability and financial transparency by the SFTU.⁴⁸⁴ Alarming, a commission of enquiry into the operations of the SFTU highlighted the poor financial state of the union – “the organisation is financially bankrupt [and] in addition, allegations of corruption, patronage and a lack of respect for the rule of law continue to plague the SFTU, and many commentators draw parallels with the very system of national government that the SFTU condemns.”⁴⁸⁵

Further, the lack of a clear and common ideology has led to “a balkanisation of activism,” due also to lack of a revolutionary character of trade unions. Thus, “trade unions need to have a revolutionary character, leading the people to what they want and then sustain democratic principles.”⁴⁸⁶ But this revolutionary character needs to contend with a ruling regime that is increasingly repressive to any form of contestation or conflict. Protest action, as noted above, is increasingly met with heavy-handed tactics of control which eventuate in violence. The reintroduction of the draconian Internal Security Act of 2002, that specifies severe penalties for the participation in, or organisation of, political activities in addition to restricting trade union activity, underscores the ability of the monarchy to control civil society and impose its hegemony.⁴⁸⁷

The issue of the new Constitution, a process that began with the CRC in 1996 and which was one of the primary factors upon which trade unions rallied around, was adopted at a joint sitting of the two houses of parliament amid much intimidation and confusion. After an initial joint sitting, the king refused to assent to the bill and “urged” parliamentarians, the clergy and traditional leaders to reach consensus on disputed issues. The most prominent clauses amended were those that conferred significant international human rights standards on sections of the populations and

⁴⁸⁴ Economic Intelligence Unit, *Country Report, Lesotho Swaziland*, October 2005, 33. The three suspended unions were the Swaziland Nurses Association (SNA), the Swaziland National Association of Civil Servants (SNACS), and the Swaziland Transport and Allied Workers Union (STAWU).

⁴⁸⁵ Economist Intelligence Unit, October 2005, 33. Also Mzizi, 38.

⁴⁸⁶ Author Interview, Mario Masuku.

⁴⁸⁷ The Internal Security Bill was withdrawn after its initial introduction in 2002 after strong opposition from international human rights organisations and progressive organisations. Prompting the reintroduction of the bill, in addition to protest action, was a spate of petrol bombings that occurred in Mbabane, targeting the Swazi National Court, two Tinkhundla offices as well as the homes of members of government. All progressive groupings in Swaziland denounced the bombings and dissociated themselves from it. See Maroleng, 46 and Economic Intelligence Unit, *Country Reports, Lesotho Swaziland*, January 2006, 29.

other acknowledged democratic practices.⁴⁸⁸ Once the amendments were made, the constitution became law in January 2006. Regarding the legality of political parties, the “Constitution was deliberately ambiguous on the issue – it could be read as an attempt to undermine any move to allow democracy to take root in the absolute monarchy.”⁴⁸⁹ Moreover, the constitution is seen to be non-democratic and while a bill of rights provides for freedoms of assembly and speech, the king is still able to suspend these if he deems them to be in conflict with the ‘public interest,’ which itself is not defined in the text. In essence, the constitution offers nothing more than the status quo by protecting the monarchy and not allowing a space for other actors to define Swaziland’s democratic future.⁴⁹⁰ However, for the king, political parties would be permitted once the economy improves. He has argued that,

Most countries that adopted multi-party systems of government and succeeded to rule without internal strife had healthy economies, while the poor nations have continued to experience conflict. What we need to do right now as a country is to build our economy to a sustainable level where the introduction of multi-parties can operate with a reasonable degree of success.⁴⁹¹

Regardless of how democracy is conceptualised – whether in ‘African’ or ‘Western’ connotation – in Swaziland, one central requirement is the need for intermediary groups located between the state and society “as well as institutional mechanisms for the articulation and advocacy of diverse views and policy preferences.”⁴⁹² However, the entrenchment and continuance of absolute monarchic rule has been the result that “there is no credible alternative. With political parties banned there is nothing you can say about political parties authoritatively because you don’t know what you are going to get,” and “because of the lack of organisation, you can say that this system is going to continue and it is difficult to uproot it.”⁴⁹³ For the trade union movement, a more sobering reality is that they cannot offer an indication of an alternative to the incumbent. Thus, “even as we [the unions] make a noise, we are unable to say what

⁴⁸⁸ Clauses were rewritten to deny women equal cultural rights; exempting the senior prince from paying tax while he is the head of state; amongst others. A clause allowing the king powers to dissolve powers at any time was reinstated, and well as clauses allowing him to appoint the council of chiefs and its chairman. See Economist Intelligence Unit, October 2005, 31

⁴⁸⁹ Khabele Matlosa quoted in <http://www.irinnews.org> [2006 8 February]

⁴⁹⁰ Accessed from <http://www.irinnews.org> [2006, 8 February]

⁴⁹¹ Times of Swaziland cited in ‘Swazi King: ‘Democracy is too Expensive,’ [Online] <http://www.afrol.com/articles/18966> [2006,26 April]

⁴⁹² Kabemba, ‘The Struggle for Political Power in Swaziland,’ 18

⁴⁹³ Author Interview, Vincent Ncongwane

the alternative is. And who will drive that alternative? As unions, we are very divided on the issue of full participation in political issues.”⁴⁹⁴

CONCLUSION

In contrast, and despite the range problems of enumerated above, there is agreement that labour represents the most important formation to effect democracy. Indeed, as the leader of PUDEMO contends:

I don't see another way of getting democracy without the vehicle of the trade union movement. The trade union movement is at the means of production, they sustain the economy, they are still organised and make the country tick, and I believe, not matter how few there may be, they are still the vehicle for change.⁴⁹⁵

While the potential exists in Swaziland for trade unions to effect political reform, they are constrained by an autocratic political environment. Moreover, the rise of a 'messianic' leadership due to the lack of sufficient conscientisation of union members underscores the lack of trade unions being 'laboratories of democratic learning.' From the 'golden age' of activism in the late 1990s, trade unions have been emasculated to the extent that they are unable to provide a coherent alternative for political change.

⁴⁹⁴ Author Interview, Vincent Ncongwane

⁴⁹⁵ Author Interview, Mario Masuku

PART III

CONTINUITY (AND DISCONTINUITY) IN THEORY AND PRACTICE

University of Cape Town

9.

CONCLUDING ANALYSIS

This thesis has critically examined the ability of trade unions, as central constituents of civil society, to consolidate, promote and restore political democracy in South Africa, Namibia, Zimbabwe and Swaziland. Central to this examination is an analysis of the limitations and capacities of trade unions to effect political change in the post-independence epoch. It is apparent from the exegesis Part I and Part II of this thesis, that the ability of trade unions to contribute to the consolidation, restoration and promotion of political democracy in Southern Africa is varyingly constrained. In this concluding chapter, a synthesis of the theoretical and empirical observations will be posited. Before such discussion, it is pertinent to restate the boundaries to which this study was confined.

The present enquiry has limited its focus to trade union as the subject of enquiry. While informed civil society theory, its scope does not extend to provide an overarching empirical examination of the ability of civil society to consolidate, promote and restore democracy. Furthermore, the findings here are applicable up to the end of December 2005. Given that the process of political reform is in flux, subsequent developments in the political economy in each of the countries under consideration have not been examined. Finally, while the dissertation has employed the term 'trade unions,' the focus has been on the largest and dominant trade union federations in each country. The rationale for this relates to the historical role and contiguity of trade union federations in the political sphere, particularly in South Africa and Namibia, and in the case of Zimbabwe and Swaziland, on their centrality as sites of opposition. The analysis cannot discount the impact of individual affiliate unions in the process of political reform. But the confines of the present examination, in both length and scope, mitigate an analysis of each individual union intervention within the political sphere.

The labour histories of each country adumbrated in the Part II gives prominence to the transition from colonial and apartheid authoritarian to democratic self-rule in South Africa, Namibia and Zimbabwe. However, the constriction of democratic space in South Africa and Namibia and the democratic reversal in Zimbabwe, point to larger problems encountered in process of the second transition, and hence consolidation. In Swaziland, while independence was achieved much earlier, the nature of the process of decolonisation nevertheless allowed for a restrictive and controlled political sphere very soon after the transition. As evidenced in the examination above, decolonisation in Swaziland was more akin to the 'liberalisation' of political space, in which there was an 'easing' of repression and the extension of liberties *within* an authoritarian regime, and without a transition to democracy. However, once its hegemony was seriously contested, the monarchy closed the political space and entrenched its dominance.

Given the country analysis in the Part II, it is apparent that if on a continuum ranging from 'democratic' to 'authoritarian,' the countries under consideration would occupy different positions. South Africa equates closest to being considered democratic, and thus able to consolidate its democracy, while Swaziland and Zimbabwe would occupy the opposite end of the continuum, and require the restoration of democracy. Namibia would occupy a position in the latter half of the continuum, but closer to the midpoint, for while there are considerable authoritarian tendencies within the political sphere, it has not regressed to the extent of the other two cases.

It is important to acknowledge, that while there exists in Zimbabwe and Swaziland the basic institutional requirements for democracy – a constitution, elections, and a judiciary – these are generally 'perverted.' Moreover, there exist certain political and civil liberties, freedom of movement and association, but these are applied in a very narrow and nuanced way, and are threatened by the recourse of violence and intimidation. Essentially, these country's lack the attitudinal, behavioural and constitutional 'mindsets' that underpin the democratic functioning of these institutions and liberties.

The factors and characteristics that inform the requirements for the consolidation of democracy, has been utilised in this analysis to inform the 'ideal-type' end point of

the process of democratisation. It has been argued that the process of democratisation is characterised by two transitions – the first being from authoritarianism to democracy, and the second, the consolidation of this democracy evidenced by the *effective* functioning of the democratic regime. The focus of the present enquiry has been on the period *after* the first transition, and is premised on the notion that the relationship between state and civil society, here trade unions in particular, provides an important insight into the effective functioning of the democratic regime and the ability for it to consolidate.

It has been argued above, that ideal-typically, consolidation exists in democratic systems that are not threatened by a regression to authoritarianism and where ‘habituation’ to democratic norms and processes has allowed for procedural consensus and the promotion of uncertain outcomes in the political sphere. Given the focus of this dissertation, an important factor in gauging consolidation is the nature of the establishment of the regime-civil society relationship, and the norms and practices that inform its interaction. From the analysis of the cases above it is evident that the regime-civil society relationship is constrained to varying degrees. In understanding the relationship between trade unions, democratisation and consolidation, it is imperative to examine not only the effect of labour action in influencing the direction of political change, but also to take cognisance of the changing political context on the relationship between trade unions and the state, and on the labour movement itself. Indeed, the examination above has located trade unions at the locus of political reform in each of the countries under consideration here, and has noted the effect of the transition to democracy on the relationship between the trade union movement and the liberation/ruling party, and the extent to which this relationship has altered in the post-independence period.

While consolidation is posited as the ‘ideal type’, cognisance needs to be taken of the fact that democracy itself is imperfect and imprecise, for “democracies are never fully democratic; they inevitably fall short of democratic criteria in some respects.”⁴⁹⁶ Valenzuela has argued, and to quote him at length as the ‘ills’ he notes are characteristic the countries under examination here,

⁴⁹⁶ Dahl quoted in Lumumba-Kasongo, 12

Whether it is low levels of informed citizen participation, political leaders who are divisive or personalistic, parties that are rigidly ideological or not programmatic enough, the influence of funding hidden from public scrutiny in electoral coffers, [...] , legislatures that are insufficiently influential or that concentrate on petty issues while state bureaucracies go unchecked, the cozy accommodations between private interests and their supposed state regulators, excessive social inequality and inadequate welfare institutions, the insufficient organisation for the working class and other popular sectors [...]. If such and other assorted ills can be found in democracies whose 'consolidation' is not an issue, situations that have recently made transit out of authoritarian rule should hardly be held to strict and comprehensive standards either. Otherwise no democratic regime is truly 'consolidated' for the lack of an ingredient deemed essential, and it is impossible to assign a reasonable closure to the second transition process.

Thus, taking view of this critique, the dissertation is premised on viewing democracy in minimalist (liberal) terms in which primacy is accorded to the existence of competitive free and fair elections; a sufficient level of political participation; and the guarantee of civil and political liberties. Defined as such, a minimal conception of democracy serves to reduce (but not eliminate) imperfections that are inherent in the process of democratisation, and thus provides conceptual clarity when gauging and examining its consolidation. Radical critiques hold that the equation of capitalist democracy with liberal democracy has been utilised in a neo-imperial assault culminating in foreign political and economic penetration of the continent. The call for a popular democracy, while appropriate for the postcolonial era, however misreads the realities of the post-independent state and its ability to function effectively and capably. Indeed, the "bastardized" African version of capitalism stood in direct contrast to the principles of liberal democracy, and the "expansion of the market in Africa's social systems is more likely to serve the interests of existing ruling classes than empower the subaltern strata."⁴⁹⁷ As such, a maximalist conception that sees democracy as the "struggle against social inequality, injustices, exploitation and social miseries," *first* needs to ensure that there are civil and political liberties, competitive elections and political participation *before* democracy can be seen as a "corrective process in which a given society, especially a formerly colonized society is born again."⁴⁹⁸

⁴⁹⁷ Robert Fatton, *Predatory Rule: State and Civil Society in Africa*, (Boulder: Lynne Rienner Publishers, 1992), 15

⁴⁹⁸ Lumumba-Kasongo, 21

The examination is also underscored by a temporal dimension that makes a comparative analysis both valid and feasible. Indeed, in the cases of South Africa, Namibia and Zimbabwe in particular, it is posited that the present conjuncture is apt for gauging the extent to which democratic consolidation (and regression) has occurred. Moreover, while generalisation would be hazardous, this study has identified certain 'empirical and socially constructed attributes' within and across these states that make a comparative examination of state-civil society relationships in democratic transformation and consolidation possible. It is contended that sufficient time has passed since the end of the transition to assess the extent of the progress made toward democratic consolidation. In the case of Zimbabwe, which achieved independence earlier, the period under consideration is instructive in elucidating the factors that led to the rise of authoritarianism and the 'slow death' of democracy. More than that, the Zimbabwean case represents the inherent *potential* of trade unions to promote democracy. As evidenced in the case study, trade unions in Zimbabwe were active constituents in civil society and fomented political opposition to an increasingly authoritarian regime through the creation of the MDC. Formed essentially from civil society, this case is illustrative of the ability of civil society to 'penetrate' political society by creating an institution that challenges for state power. But, it does not represent a prescriptive panacea for challenging authoritarianism. Indeed, this case is also instructive in providing the limitations that emerge from the transition from civil to political society. As noted, while trade unions (and trade unionists) were central to the leadership of the MDC, its relationship to the union movement was significantly altered once it contested for state power.

It would be problematic however to trace a linear path toward either consolidation or regression. While the cases exhibit significant congruity in their political trajectories, consolidation and regression occur gradually and at varying rates. It is important further to note that consolidation can occur *within* different components of the regime at different times. This is particularly significant in the case of South Africa. A balance sheet of consolidation here reveals that despite unencumbered elections; a distinct political society; the existence of the rule of law; a functioning state bureaucracy; and an economic society, in addition to the constitutional guarantee of civil and political rights, South Africa's democracy nevertheless operates at 'low

intensity,' characterised by declining popular participation and decreasing competition. Of paramount importance here, is the fact that while trade unions have a strong and legally-backed mandate to engage in the economic, social and industrial arenas, its complex and dynamic relationship with the state, places it in a position of subordination to the hegemony of the ruling party. Thus, while it meets many of the formal requirements for consideration as a consolidating democracy, the ambivalent relationship between the state and civil society, in which the latter is seen as a site for the assertion of ANC hegemony, places restraints on the prospects of consolidation.

The literature on the transition to democracy, while noting the importance of civil society in popular upsurges against the authoritarian regime at expedient moments in the process of transition, belies the reality of a generally consistent 'chipping away' at the authoritarian apartheid and colonial state particularly by the trade union movement. In each of the countries, the conjoining of workplace issues with broader social and political issues provided the impetus for political and economic reform. In South Africa, the effect was a more consistent and aggrandising political challenge to the apartheid state, culminating in the emergence of an autonomous COSATU as the *de facto* leader of the internal democratic movement. Strong organisational structures and the broad-based mobilisation of civil society fomented a strong civil opposition to the apartheid regime. In Namibia, the strike action of 1971-1972, set in motion the process of internal political and economic reform and the acknowledgement of the need to institutionalise better conditions for workers. Central here, is that the strike also led to the founding of the NUNW under the auspices and direction of SWAPO. In Zimbabwe, the identification of the labour movement with the broader aspirations of the nationalist struggle was premised on the conjoining of the economic and political struggles, and engaged in the political sphere, albeit from a fragmented and weakened position. In Swaziland similarly, the failure of the Nduna system as a mechanism of labour control, saw the emergence of trade unions to challenge the colonial economy and the local bourgeoisie. Unsurprisingly, while the strike action was met by increased repression by the state, it is interesting to note that political opposition formations aimed to capture the disaffected working class to promote a broader extra-legal oppositional base. Of importance in these cases, is the fact that while trade unions do mobilise at important junctures of the transition from authoritarianism, there nevertheless exists a longer history of contestation to the state.

Similarly, in the post-independence period, while the state has been able to assert an increasingly hegemonic agenda, this ‘chipping away’ continues. In Zimbabwe and Swaziland despite an emasculated of organised labour movement, there is still contestation of the state. In Namibia, however, the ability of trade unions to ‘chip away at the state’ is opportunistic, and instead of contestation over issues that are most pertinent to its membership, trade unions rather engage with issues that do not undermine the hegemony of the ruling party. Given the stronger democratic disposition of South Africa, there is both institutional and legal sanction which workers may utilise to contest the state. Moreover, the nascent relationships being developed with social movements also provide a forum in which the *possibility* exists to continue this ‘chipping.’

The adumbration of the historical relationship between the apartheid/colonial state and civil society in Part II is instructive in also gauging the relationship between the liberation and trade union movements. Reminded of Bayart’s contention that the ‘continued quest for democracy is a commentary upon the relationship between the state and civil society,’ the relationship between the liberation movement and trade unions provides the historical foundation upon which to understand the relationship between the state and civil society, post-independence. Further, this relationship is important in gauging the quality and extent of political reform. Historically, the relationship between trade unions and the liberation movement in Zimbabwe was fractured, and while there was a congruence of aim in the overthrow of the colonial regime, in the post-independent period, ZANU openly coopted a weak and fragmented labour movement. The ousting of a pro-ZANU union leadership, and the insistence on union autonomy, saw the emergence of an independent and more critically oriented trade union congress. In Swaziland, trade unions openly sided with opposition parties against both the foreign and indigenous elite, and PUDEMO continues its close affiliation with the SFTU in the challenge of the incumbent monarchy. South Africa and Namibia represent more interesting cases. In the former, while COSATU remains an autonomous and independent social force, its participation in the Tripartite Alliance places it in a precarious relationship with the ANC. As the case analysis demonstrated, the ‘double speak’ of COSATU, in which it contests ANC policy between elections but providing it with largely unqualified support during elections – is indicative of its inability to entrench uncertainty in the

political system, thus to *effectively* contest the hegemony of the ANC. In Namibia, where the NUNW Constitution enshrined the mandate of continuing all its work within the framework of SWAPO, the trade union movement's continued affiliation with the ruling party has effectively marginalised and reduced its role within the political sphere. The subsistence of the strong historical ties, acknowledged by the federation's leadership, have demobilised trade unions and detracted them from developing a clear and programmatic policy agenda. In Namibia, this is compounded by weak organisational structures, poor financial capabilities and a dearth of good leadership.

In South Africa and Namibia, trade union have largely succumbed to a 'final liberator complex' – in which enduring loyalty to the ruling party is premised on its status as the country's liberating party. While this is more evident in the Namibian case, this 'complex' is apparent in South Africa as well. Melber has argued that upon assuming power, liberation movements reorganised themselves as political parties where their,

legitimacy to rule stemmed from their emergence from the decolonisation process [...] The result is a new ruling political elite operating from commanding heights shaped in and based upon the particular context of the post-Apartheid societies by selective *narratives and memories related to the war(s) of liberation and hence constructing or inventing new traditions to establish an exclusive postcolonial legitimacy under the sole authority of one particular agency of social forces.*⁴⁹⁹

Furthermore, the "mystification" of the liberators has allowed for the ruling elites to create a powerful conception of inclusion and exclusion in the creation of postcolonial identities.⁵⁰⁰ The essence of this post-independence identity-creation is that,

[...] notions of national reconciliation and slogans like "unity in diversity" have given way to a politically-correct identity form defined by those in power along narrow "we-they" or "with-us-against-us" lines. Simultaneously the boundaries between the party and government have been blurred and been replaced by a growing equation of party and government. Opposition or dissent has come increasingly to be considered as hostile and the dissenter sometimes branded an 'enemy of the people.'

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⁴⁹⁹ Melber, 'Liberation Movements as Governments: Southern African Experiences –With Special Reference to SWAPO and the Postcolonial Political Culture in Namibia, 4, author emphasis

⁵⁰⁰ Henning Melber, 'Introduction,' in Henning Melber (ed) *Limits to Liberation in Southern Africa: The Unfinished Business of Democratic Consolidation* (Cape Town: HSRC Press, 2003), xv

⁵⁰¹ Melber, 'Introduction,' xv

It is interesting moreover, that in South Africa, COSATU clearly juxtaposes gains in economic and worker rights with the assumption of power by the ANC. In a COSATU Central Executive Committee statement just prior to the 2004 elections, it has been argued that,

None of these opposition parties can win the national elections, none has a plan better than the RDP, and none whatsoever can be trusted with the future of workers [...] all the major opposition parties are opposed to workers' rights and would cut government capacity to serve poor communities. *The ANC led the struggle for freedom. No other party can take half of the credit that is due to the ANC for bringing freedom and democracy in our land. Its leaders and members suffered enormously for their efforts to achieve a united, democratic, non-racial and non-sexist South African.* This unparalleled track record makes the ANC the only party we can entrust with our hard-won freedom. Only the ANC has a clear track record in the struggle for the liberation of the majority from the yoke of apartheid oppression; only the ANC has begun to change the lives of the poor. Only the ANC and its allies have a detailed plan - the RDP - to change our lives for the better.⁵⁰²

Such juxtaposition is a powerful method of securing worker support for the ruling party, and fits into the broader imperative of cementing ANC hegemony within the Tripartite Alliance. Indeed, as demonstrated in the case analysis, the ANC has successfully employed the rhetoric of destabilisation and victimhood when confronted by dissent or opposition, and the endurance of affinity between COSATU and the ANC is premised precisely on the historical memory of the role of the ANC in bringing 'freedom and democracy' to South Africa. But it would be mistaken to characterise this relationship as harmonious. As demonstrated in the case study, the relationship between COSATU and the ANC is ambivalent and while there is strong support for the ANC amongst members and the leadership, the trade union federation has been "critical and have proved on more than one occasion that they can embark on militant mass action against the government."⁵⁰³ In light of increasing marginalisation by the effects of neoliberal economic policies and incipient attempts to control the union federation, COSATU's autonomy nevertheless allows for the possibility of it emerging as a "left pressure group inside the Alliance pushing for redistributive policies."⁵⁰⁴ Similarly, the recourse to narratives history and memory in Zimbabwe serve to narrow the scope of the 'nation' and create a binary between "sons

⁵⁰² Vavi and Madisha, 26, author emphasis

⁵⁰³ Buhlungu, Southall and Webster, 214

⁵⁰⁴ Buhlungu, Southall and Webster, 214

of the soil” and “agents of imperialism.” As such, the ruling party has utilised this binary to delegitimise opposition to it from both the MDC and the ZCTU. In Swaziland, tradition and culture have been used to justify monarchic rule, and any opposition to the monarchy is seen as ‘un-Swazi’ or ‘foreign to the Swazi way of life.’ Invoking this distinction, the ruling elites in each case essentially undermine urban-based support for these movements, while strengthening their positions in traditionally rural areas. In essence, these two countries have seen the emergence of politics that has strong populist undertones, with the peasantry and lumpen-proletariat more easily swayed by demagogic and clientelist politics. In Swaziland in particular, the discourse of tradition and culture has allowed the ruling monarchy to shape power relations in a very specific way. In explaining the longevity of rule Bayart has argued, with relevance to the case of Swaziland, that the “ability of the supreme political authority to exercise tight political control over the social fabric of society is proportionately greater, the longer its rulership and the smaller the population.”⁵⁰⁵

Central to understanding the ability of civil society, and trade unions in particular, in promoting, restoring and consolidating political democracy is the acknowledgement of the educative role civil organisations play. Here, it has been argued that organisationally, trade unions are an important site for the creation of norms and values that inform the rules and procedures of the democratic political game. While the focus and scope of this dissertation has not allowed for these factors to be gauged and measured, the operation of each federation in their respective political realm allows for an insight into their ability to instil democratic political practices. It should be noted however, that a disjuncture exists between the practice of internal democracy at the shop-floor level and its translation at the leadership level. In Namibia, the ability of unions to foster internal democratic practices was constrained not only by the continued subordination of the federation to the ruling party, but more practically, by a severe lack of capacity within the unions themselves. Indeed, a lack of administrative, technical and organisational capacity, compounded by a lack of understanding of trade unionism, has left a legacy of poor coordination and weak organisational structures. As such, trade unions have been easily cowed into compromises that are antithetical to the interests of their membership. In Zimbabwe,

⁵⁰⁵ Bayart, 114

during the 1980s, the trade union movement had embarked on a process of internal democratic consolidation by creating structures to ensure accountability to the membership and affiliates and also embarking on worker education programmes. Organisationally strengthened and with its autonomy ensured, it was able to effectively challenge the state and build horizontal relationships in civil society, that culminated in the creation of an opposition political party. However, as the intensity of repression increased on trade unions, their inability to maintain organisational coherence and strength has reduced the role it plays in political socialisation. Similarly, in Swaziland, focused repression on trade unions have reduced their previous role of strong political activity, where they now are beset with a lack of ideological clarity and coherence on the form and methods that should be instituted to promote democracy and social change. This lack of clarity is further compounded by the disjuncture between the 'messianic' leadership who collaborate with state and capital and a more radical and militant membership. The South African example represents the best researched and conclusive assessment of internal democracy and its translation at the political level. But this assessment is complex and dynamic. COSATU displays a strong abidance to internal participatory democracy which has not resulted in "internal fragmentation of the labour movement."⁵⁰⁶ As such, its ability to 'teach' democracy has allows COSATU to generally play a more prominent role in the political sphere and allows it to contest the ANC when it is deemed necessary. But as the research findings have noted, a disjuncture is beginning to emerge between the shop-floor and leadership levels, where it is felt that a 'political hand' is being exerted on policy issues and the mandate of the members are not fully carried out by the leadership. Despite this however, and contributing to the complexity of the South African example, the COSATU leadership enjoys strong support among the membership.⁵⁰⁷ It is therefore evident from the foregoing that the educative function of trade unions varies across countries. The effect of this in Namibia, Zimbabwe and Swaziland is to restrain the ability of trade unions to practice democracy internally, to act as 'laboratories of democratic learning', and hence has hindered trade unions from *effectively* protecting the rules of the democratic game. Given that the educative is premised on the idea of normative democratic participation, the foregoing confirms

⁵⁰⁶ Wood and Dibben, 64

⁵⁰⁷ Buhlungu, Southall and Webster, 214-215

Pateman's observation that such participation is self-reinforcing. In essence, participation begets democracy, and democracy begets participation.

Thus, in essence, the ability of trade unions to act as 'laboratories of democratic learning' serves as part of a broader process of entrenching democracy through the proliferation of beliefs, practices and norm-generating behaviour. However, it is apparent that where democracy has regressed into authoritarianism, trade unions have not sufficiently been able to mobilise and contest the functioning of 'perverse institutionalisation.' In Zimbabwe, in the move to political unionism and the subsequent formation of the MDC to contest elections, trade unions were increasingly the site of violence and repression, especially when the hegemony of the state was challenged. As demonstrated above, the belief that only the liberation party can rule has filtered into elections that are coercive, illegal and conducted in a highly repressive atmosphere. In Swaziland, the existence of non-democratic tutelary powers vested in the monarchy provides the biggest obstacle to the effective creation of democratic institutions and transition to democracy. Here, constitutional design has aimed to entrench the hegemony of the monarchy by continuing to allow the king to rule by decree. Further, it aimed to embed judicial power in the king and thereby relegated parliament to function as an advisory body to the monarch. In each of these cases, trade unions have been at the forefront of contesting the dominant power-holders, but have not managed to effectively limit and check state power.

In South Africa and Namibia the ability of trade unions to consolidate democracy is also premised on their ability to create uncertainty in the political system. Theoretically, it has been argued that constitutions serve to limit uncertainty by formalising the rules of the game to which actors have to conform and requires *more than a majority to overturn* past decisions. But such limitation is compounded in the dominant single-party regimes that characterise these two countries. In Namibia, for example, constitutional amendment in allowing for a third presidential term was easily approved by the two-thirds majority SWAPO had in both houses of parliament in 1997.⁵⁰⁸ In South Africa however, while the ANC holds a two-thirds majority, no significant constitutional amendment has been passed that would have serious

⁵⁰⁸ See Gretchen Bauer, 'Namibia in the First Decade of Independence,' *Journal of Southern African Studies*, 27,1 (2001), 33-55

implications for the consolidation of democracy. Uncertainty in South Africa would necessarily have to come from a challenge to the dominance of the ANC in both the parliamentary and extra-parliamentary realms. For trade unions, uncertainty may best be injected into the system through its relationship with the ANC in the Tripartite Alliance. Here, it would require a rebalancing of relations toward COSATU. However, the strong and continued support for the ruling party both by the leadership and membership of the trade union federation, seriously constrict this prospect in the short term. Indeed, given the contested relationship between the trade union movement and the ruling party since 1994, the persistence of the relationship has served not to promote uncertainty within the Alliance and by extension, into the political sphere. In both South Africa and Namibia, alliance and affiliation with the labour movement have not neutralised the threat of a regression to authoritarianism. In Namibia, the situation is more acute, as the political sphere is characterised by the 'politics of fear.' In South Africa, the 'zanufication' of the ANC and the centralisation of power are perhaps signs of incipient decline. The centrality of a constitution's ability to restrain the exercise of power and promote mutual security within the theory of consolidation cannot necessarily be assured, especially in situations where they are used merely to provide a veneer of political reform. As demonstrated in the case of Swaziland, constitutions in non-democratic settings may also be used to entrench, legitimate and support undemocratic and authoritarian powers.

The unilateral institution of neoliberal economic policies in South Africa, Namibia and Zimbabwe were a rallying point for organised labour. The importance of sound economic performance is important for the consolidation of democracy. Indeed, Przeworski has argued that the "durability of new democracies will depend not only on their institutional structure and the ideology of the major economic forces, but to a large extent on their economic performance."⁵⁰⁹ While the ruling elites instituted economic adjustment programmes, for trade unions in these countries it represented a critical instance for mobilisation and contestation. The institution of these economic policies represented a change in the relation between the state and trade union movement, particularly as it failed to meet the objectives of economic growth and development. In South Africa, GEAR marked the tipping point upon which unions

⁵⁰⁹ Quoted in Osaghae, 'Making Democracy Work in Africa: From the Institutional to the Substantive,'
3

engaged the state more confrontationally. In Zimbabwe, the unintended consequence of ESAP was to provide unions with stronger bargaining power, and allowed for the impetus in which production politics proliferated into the political realm. In Namibia, the institution of trade liberalisation through the creation of EPZs saw a direct challenge to the hegemony of the SWAPO, and the NUNW initially asserted itself against the policy. It did however, later capitulate and compromise with the government. The unilateralism underscoring the institution of these economic policies has important consequences for consolidation of democracy. In Swaziland, economic hegemony has been exercised through state-directed accumulation with the establishment of the publicly unaccountable, Tibiyo Takangwane. Seen as the 'private purse' of the monarchy, it furthered the deligitimation of the regime as the country faces economic decline and increasing poverty. While attempts at macroeconomic reform have been made, they have not been as entrenched in Swazi economic life as the 'traditional' Tibiyo. It is illuminating that the king inverts Przeworski's logic by positing that multi-partyism can not take root in Swaziland because of poor economic performance.

It is evident from the foregoing discussion and the analysis above, that civil society is an important construct through which to analyse state-society relations in Africa as it 'embodies the core of universal beliefs and practices about the legitimation of, and limits to, state power.' As the analysis here has highlighted, trade unions are central to an understanding of this legitimation and limitation given their centrality in both the pre- and post-independence political economy of each country. Indeed, the analysis here has provided a means through which the 'politics of civil society' influences, and is influenced, by the politics of the state. Moreover,

The nature of civil society and the complexion of its politics are reflected within the structure and politics of the state. What Bayart calls the 'revenge of civil society' is not just the manner in which civil society impinges on the state but also, and perhaps more importantly, the manner in which low politics transforms high politics. It is analytically fruitless to bemoan the fact the post-colonial state in Africa is patrimonial, prebendal, clientelistic, corrupt etc. What matters for analysis is to understand how these characteristics of the contemporary African state are the results of the reciprocal influence of high and low politics.⁵¹⁰

⁵¹⁰ Chabal, 96

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⁵¹⁰ Chabal, 96

The case studies have followed this observation, and have noted this reciprocity in the relationship between state and society in the promotion, restoration and consolidation of democracy. As the analysis has demonstrated, by viewing state-society interaction as relational allows for a richer and more complex understanding of the relationship between state and civil society. Indeed, by acknowledging the nuance and dynamism between and within the cases, this dissertation has allowed for a deeper understanding of the role of trade unions in the promotion, restoration and consolidation of democracy.

However, 'romanticising' civil society as the harbinger for democracy is problematic both methodologically and analytically. Indeed, devoid of 'natural innocence,' civil society is itself an unbridled arena of dispute. As the empirical findings have demonstrated, while the democratic potential of trade unions in the political sphere is apparent, there nevertheless are tendencies that undermine the operation of their normative mandate. Of interest for the present purposes moreover, these tendencies mirror those in the wider political sphere. As such, and enumerated in the analysis above, it is clear that the boundaries between state and civil society are immutable, and therefore supports the claim that there is 'much statishness in civil society and much that is civil in all states.'

The analysis in this dissertation is confined to particular a period in the history of Southern Africa. As such, it would be myopic to characterise the processes, relationships and outcomes described here as concrete and settled. Rather, it is necessary to see them in flux, and thus the ability of trade unions to promote, restore and consolidate democracy as a continuing and evolving process. Indeed, it is a process that involves negotiating the tension that Nolutshungu noted between statehood and democracy in chapter two. This process is also uneven and constantly threatened by regression and crisis. South Africa represents the best case of democracy in consolidation with primacy given to the constitutionally-mandated prescriptions of democracy. For trade unions, the space (while narrowing) still exists for the exercise of critical engagement with the state. This engagement, it should be noted, is premised on the historical tradition of active and robust trade unions, and a strong culture of internal democracy. In Namibia, the narrowing of political space

and the rise of increasing authoritarian tendencies in the political sphere has been complemented by a weak trade union movement, that have mobilised opportunistically against the state. While the federation has largely been timid in its contestation of the state, examples do persist of independent affiliates openly contesting the ruling party. In Zimbabwe and Swaziland, the 'golden age' of trade unions challenging the state in the mid-1990s has passed. The labour movement in each case has been ineffective in reaching the levels of organisation and mobilisation of this period. Largely met with extremely repressive measures, trade unions have been cowed and demobilised through the use of repressive state apparatuses.

Trade unions therefore negotiate a difficult and challenging path in the process of entrenching or fomenting political democracy. The case studies have illustrated the means by which trade unions can strengthen their role in the political sphere. What is important is that trade unions remain a central constituency in the political sphere in each of the countries under consideration. It would be fallacious to singularly lay the blame for democratic recession on the inability of trade unions to promote and defend democracy. Rather, as a key element in civil society, they can *potentially* exert the strongest impetus for political reform. While there are signs of hope for trade unions to play an important role in reclaiming the 'golden age' of unionism, the challenge nevertheless remains in post-colonial and post-apartheid Southern Africa.

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