

**'POWER-SHARING GOVERNMENT MECHANISMS' ARE THEY A
SOLUTION OR AN OBSTACLE TO DEMOCRATISATION IN AFRICA? A
FOCUS ON SOUTH AFRICA AND ZIMBABWE**

**Dissertation submitted in partial fulfilment of the requirements for the
degree**

**LLM (Human Rights and Democratisation in Africa) Faculty of Law,
University of Pretoria**

By

GIFT MILEJI

Student No. 11368404

Prepared under the supervision of

Mr. Didier Jean Benoit Michel

**Faculty of Law and Management, University of Mauritius, Reduit
Mauritius**

31 October 2011

DECLARATION

I, Gift Mileji, declare that this work is original. It has never been presented to any other University or institution. In the instances where the works of other writers have been used, references have been duly given. In this respect, I declare this work to be authentically mine.

Student: Gift Mileji

Signature:

Date:

Supervisor: Mr. Didier Jean Benoit Michel

Signature:

Date:

ACKNOWLEDGEMENTS

Firstly, i would like to thank God almighty for His an unfailing love and for according me this opportunity to contribute a little within my capacity to the governance of mankind. I am also thanking the Centre for Human Rights at the University of Pretoria for giving me this rare chance of being part of the LL.M Human Rights and Democratisation in Africa (LL.M HRDA 2011).

The preparation of this work would have been an impossible task without help from a number of people. I would like to thank my supervisor Mr. Didier Jean Benoit Michel for giving me able guidance throughout the journey of this dissertation. I will be failing in my duty and losing the spirit of Africanism if i do not pay homage to Dr Steve Odero Ouma. You mentored me from the inception of the idea of adding a footnote to the plethora of authorities on the right type of democracy in Africa. Your 'eagle eye' shaped my thoughts and helped me see Africa with a sense of hope for the future of our governance system on this our beautiful African continent.

To my 'co-authors' Charlotte Adong Oloya, Berry Didier Nibogora, Isabela Moses Warioba, Inonge Kwenda Mwene, Meskerem Gest Tachane, Thompson Chengeta and Victor Ayeni, may i thank you for sparing time from your busy schedules and remembering your brother in need with any relevant materials you came across. Surely the efforts you made will forever be remembered by all the Mileji generations and by the people of the Republic of Zambia and its government. To all my classmates, may i take this privilege to thank you for making the person in me. You might not have realised it, but severally and individually you participated in shaping my thought pattern and i learnt to appreciate people as they are without requesting for an adjustment in their personality. May Jehovah greatly bless you all in your future endeavours.

My family and my in-laws, you have been so supportive to me and i would like to thank you. I did not take those messages of goodwill for granted. They gave me hope and reason to forge ahead. To you my Angelita, you are a miracle in my life and i will always love you. Thanks for your support and for enduring a marriage by correspondence for the whole year. My acknowledgement list will be incomplete without thanking the University of Mauritius and its members of staff for making me feel at home. I thank you and continue being nice to your visitors.

DEDICATION

I dedicate this piece of work to my loving wife Sibonile Mwanza Mileji.

You stood against all odds to see me through this programme.

My ever loving parents and family, this is for you too.

LIST OF ABBREVIATIONS

ACHPR	African Charter on Human and Peoples' Rights
ANC	Africa National Congress
AU	African Union
EU	European Union
FPTP	First-Past-The-Post
GNU	Government of National Unity
GPA	Global Political Agreement
IFP	Inkatha Freedom Party
MDC	Movement for Democratic Congress
MDC-T	Movement for Democratic Congress led by Morgan Tsvangirai
MDC-M	Movement for Democratic Congress led by Prof Arthur Mutambara
NP	National Party
PAP	Pan-African Parliament
PDP	People's Democratic Party
PFP	Progressive Federal Party's
PR	Proportional Representation
SADC	Southern Africa Development Community
SAPC	South African Communist Party
ZANU-PF	Zimbabwe African National Union-Patriotic Front
ZAPU	Zimbabwe African People's Union

TABLE OF CONTENTS

DECLARATION	i
ACKNOWLEDGMENTS	ii
DEDICATION	iii
LIST OF ABBREVIATIONS	iv
TABLE OF CONTENTS	v
Chapter one: Introduction	
1.0 Background.....	1
1.1 Problem statement.....	2
1.2 Research question	3
1.3 Significance of the study.....	3
1.4 Definition and description of terms.....	3
1.4.1 Power-sharing.....	3
1.4.2 Democracy and Democratisation.....	4
1.4.3 Plural Society	5
1.5 Research methodology	5
1.6 Literature review.....	6
1.7 Overview of chapters.....	8
1.8 Delineations and limitations of study.....	8
1.9 Assumptions underlying the study	9
Chapter two: conceptual analysis of power-sharing government mechanisms in Africa	
2.1 Introduction.....	10
2.2 Definition of democracy.....	10
2.3 Power-sharing as a concept of democracy.....	11
2.4 Characteristics of power-sharing	11
2.5 Rational and objectives of ‘power-sharing’	12
2.5.1 Promotion of inclusive governments to avoid conflict	13
2.5.2 Promotion of the right model of democracy	15
2.6 Arguments on the effects of ‘power-sharing’ government mechanisms on democratisation.....	17
2.6.1 Creates a bad precedent and a failure of democracy	17

2.6.2 Loss of accountability to the majority voters.....	17
2.6.3 It weakens the ‘voice’ of opposition parties	18
2.6.4 Leads to an ineffective bloated government.....	19
2.7 Justification for power-sharing government mechanisms	20
2.8 Obstacles to successful power-sharing mechanisms in Africa.....	21
2.9 Efficacy of the concept of power-sharing	23
2.10 Conclusion	24

Chapter Three: power-sharing in Zimbabwe and South Africa: An appraisal

3.0 Introduction	25
3.1 Zimbabwe	25
3.1.1 Background of political parties in GNU.....	25
3.1.2 Reasons for power-sharing.....	28
3.1.3 Institutional framework for the GNU.....	29
3.1.4 Assessment of the effect of the GNU on Zimbabwe	30
3.1.4.1 Success of the GNU	30
3.1.4.2 Failures of the GNU.....	32
3.2 South Africa	35
3.2.1 Background of political parties in GNU.....	35
3.2.2 Reasons for power-sharing.....	37
3.2.3 Institutional framework for the GNU	38
3.2.4 Assessment of the effect of the GNU on South Africa	39
3.2.4.1 Success of the South African GNU	40
3.2.4.2 Failure of the GNU.....	43
3.3 Conclusion	43

Chapter Four: Application of power-sharing mechanisms as a pre-emptive strategy to avoid conflict and Institutional design

4.0 Introduction.....	45
4.1 Power-sharing as a pre-emptive measure to conflict in Africa	45
4.2 Institutional design	47
4.2.1 Designs for democracy.....	48
4.2.2 Choosing and designing an electoral system	49
4.2.3 Constitutional design	51

4.3 Conclusion.....	54
Chapter Five: conclusions and recommendations	
5.0 Introduction	55
5.1 Conclusions	55
5.2 Recommendations.....	58
BIBLIOGRAPHY.....	61

CHAPTER ONE

'... *if history is not* directional, then there *is no* reason to think that there will be a universal evolution in the direction of liberal democracy.'¹[Emphasis added]

Introduction

1.0 Background

After the Cold war, most African countries have strived to be democratic States by accommodating the idea of liberal democracy. Although these countries adopt this kind of system of governance, most of them do not adhere to the tenets which this type of democracy ascribes. The political systems in most African countries are organised and based on what is referred to as politics of identity. This is where the set up of political institutions is based on interest groups with an ethnic, religious or any peculiar identity configuration. The practice of identity politics based on ethnic, religious or merely any identity, leads to exclusion of some segmental groups from the governance system in most African countries.

It is argued that where people do not view themselves as a unified entity to run the affairs of society but prefer to organise themselves ethnically to the exclusion of others, it is impossible to attain democracy.² This in turn becomes a source of conflict where there is no equal participation in the governance process because one group has been excluded on the grounds of its identity. Citizens lose faith in institutions of government in countries where there is a great influence of the politics of identity and exclusion. This can cause rebellion against government and bring about political instability.

It is a common trend in Africa that tenets of liberal democracy like free and fair elections and good governance are not upheld in most countries.³ When there are elections, there are higher chances of violence between competing parties because of politics of exclusion. Some scholars say that an electoral competition in Africa also means ethnic competition or that elections are "tantamount to a census, and locks out the minority from any

¹ F Fukuyama *The End of History and the Last Man* (2006) 71.

² T Ambeya-Uva 'identity Politics and the Jos crisis: Evidence, lessons and challenges of good governance' (2011) 67 *World Fortunes* 58.

³ M Bratton & DN Posner 'A First Look at Second Elections in Africa with Illustrations from Zambia' in R Joseph (ed) *State, Conflict, and Democracy in Africa* (1999) 403.

significant political power.”⁴ A recent trend has been that whenever there is political instability in African countries, the African Union (AU) using its mandate to promote peace, security, and stability on the continent⁵ has proposed ‘power-sharing’ arrangements among the parties as the solution to resolve the dispute. This can be illustrated by the AU’s approach to the Angola, Burundi, Ivory Coast, Kenya, Libya, Madagascar, Rwanda, Somalia and Zimbabwe’s political crisis.

‘Power-sharing’ has been seen by some authors like Rudy Andeweg as a mode of conflict management.⁶ Since there are many models of power-sharing, caution has to be taken as to which one can be used at a given time in a given situation. Africa is, therefore, left to wonder whether the concept of power-sharing can only be used as a conflict management tool to prevent conflicts caused by political instability arising from politics of exclusion and bad governance or whether it can be employed as a democratic concept to advance good governance.

1.1 Problem statement

There is too much political instability on the African continent arising from poor governance system, and the politics of exclusion. Given that most African countries are politically organised along ethnic lines,⁷ liberal democracy in its classical form of majoritarian democracy will inevitably mean that a minority ethnic or religious group will perpetually remain the governed. Such a situation can predictably make the minority groups feel marginalised in the governance of their countries and can cause a rebellion against government. It therefore follows that the formation of inclusive governments in Africa remains a challenge. To find a balance, when a conflict arises among political parties where one group is in minority and feels excluded from governance, is to have a power-sharing government as the best option.

⁴ J Gahama ‘Limites et contradictions du processus de democratization au Burundi’ (1995) cited in S Vandeginste *Power-Sharing, Conflict and Transition in Burundi: Twenty Years of Trial and Error* (2009) 44 *African Spectrum* 67; see also D Horowitz *A Democratic South Africa? Constitutional Engineering in a Divided Society* (1991) 96-7.

⁵ Constitutive Act of the Africa Union (AU) art 3(f).

⁶ R Andeweg, ‘Consociational Democracy,’ (2000) 3 *Annual Review of Political Science* 515.

⁷ M Ottaway ‘Ethnic Politics in Africa: Change and Continuity’ in R Joseph (ed) *State, Conflict, and Democracy in Africa* (1999) 311.

1.2 Research question

The research question is whether power-sharing government mechanisms are a solution or an obstacle to democratisation in Africa. The following questions informed the research:

1. Is power-sharing a concept of democracy and what is its effect on democracy and democratisation?
2. Have the examples of power-sharing governments in Africa been properly implemented or is there anything which could be done differently? To address this question focus will be on South Africa and Zimbabwe.
3. Can power-sharing be used as a pre-emptive measure against political instability in Africa rather than being used as a remedial measure? The study further inquires on how institutions and laws of a country could be designed to implement this measure?

1.3 Significance of the study

The purpose of this study is to find out the effect of the power-sharing concept on democratisation in Africa. It inquires whether power-sharing mechanisms can be used as a pre-emptive measure and not as a remedial measure in Africa's political systems. The study provides suggestions to the African Union on how to have a 'conflict free' continent through stable inclusive political systems. The pre-emptive study focuses on South Africa's 1994 Government of National Unity (GNU) and the remedial approach to political conflicts analyses Zimbabwe's 2009 GNU. Other African countries have also been used as examples to inform the study comprehensively.

1.4 Definition and description of terms

1.4.1 Power-sharing

The notion of power-sharing covers different approaches, some of which might be incompatible with each other.⁸ It is therefore important to establish which kind of power-sharing strategy is useful in each situation. This suggests a need to inquire not just which

⁸ A McCulloch 'Seeking Stability Amid Deep Division: Consociationalism and Centripetalism in Comparative Perspective' unpublished PHD thesis (2000) 1.

sort of power-sharing is useful, but also which sort is useful in which type of place.⁹ For purposes of this study, the focus will be on the Consociational model as advanced by Lijphart. Consociational democracy or Power-sharing mode of governance would be understood in terms of four basic elements in this dissertation: (1) government by 'grand coalition', that is, by a broadly representative coalition of all significant groups (2) group autonomy by means of territorial and[or] non-territorial federalism and decentralisation (3) proportionality, especially with regard to political representation and (4) mutual veto power concerning issues of vital and fundamental importance to minorities.¹⁰

Timothy Sisk defines power-sharing "as a set of principles that, when carried out through practices and institutions, provide every significant identity group or segment in a society representation and decision-making abilities on common issues and a degree of autonomy over issues of importance to the group."¹¹ In this dissertation, Sisk's definition has been married with that advanced by Florian Bieber that Power-sharing means a political system in which the 'authority of state is administered jointly, and not only by one narrow constituency' to the exclusion of other segmental groups in a society.¹²

In this study the terms 'power-sharing,' 'consociational democracy or consensus government' and 'Government of National Unity' (GNU) have been used interchangeably.

1.4.2 Democracy and Democratisation

Scholars have not agreed on the exact definition of democracy and thus it is understood to be a loose concept. In this study democracy would be understood to be 'a government by and for the people'¹³ and liberal democracy, which is a widely used mode of democracy in

⁹ As above.

¹⁰ A Lijphart, *Democracy in Plural Societies: A Comparative Exploration* (1977) 25.

¹¹ T. Sisk, *Power-sharing and International Mediation in Ethnic Conflicts* (1996)5.

¹² F Bieber "Power-Sharing after Yugoslavia: Functionality and Dysfunctionality of Power-Sharing Institutions in Post-War Bosnia, Macedonia, and Kosovo," in N Sid (ed) *From Power-Sharing to Democracy: Post-Conflict Institutions in Ethnically Divided Societies* (2005) 85.

¹³ T Lumumba-Kasongo 'The Problematics of Liberal Democracy and democratic process: Lessons for deconstructing and building Africa democracies' in T Lumumba-Kasongo (ed) *Liberal Democracy and its Critics in Africa: political Dysfunction and the struggle for Social progress* (2005)12. see also A Lincoln *The Gettysburg Address* available at

Africa, will be defined as citizens' "right to choose their own government through periodic, secret-ballot, multi-party elections, on the basis of universal and equal adult suffrage."¹⁴ Democratisation would be understood as a process through which political systems become democratic and having in place conditions necessary for the realisation of democracy. This study underlies the fact that democratisation is not an end in itself but a process of attaining a democratic society.

1.4.3 Plural Society

The concept of plural society is difficult to define just like the concept of democracy. Lijphart suggests that societal pluralism should be seen as a matter of degree and proposes four criteria to determine whether a society is plural or deviates greatly or mildly from perfect pluralism: (1) can the segments into which society is divided clearly be identified? (2) can the size of the segments be exactly determined? (3) do the segmental boundaries and the boundaries between political, social, and economic organisations coincide? (4) Do the segmental parties receive the stable electoral support of their respective segments.¹⁵

A plural society in this dissertation would be one with such 'different sections of the community living side by side, but separately, within the same political unit.'¹⁶ A society divided by segmental cleavages, would mean cleavages which may be religious, ideological, linguistic, regional, racial or ethnic in nature.¹⁷

1.5 Research methodology

The dissertation is based on desk research. The study used an analytical and descriptive approach to the literature reviewed to answer the research question. Where appropriate, a comparative approach to other political systems outside Africa was used to inform the study. Primary sources of information which include text books, 'power-sharing'

<<http://showcase.netins.net/web/creative/lincoln/speeches/gettysburg.htm>> (accessed 11 September 2011).

¹⁴ Fukuyama (n 1 above) 43.

¹⁵ A Lijphart Power-Sharing in South Africa (1985) 87.

¹⁶ JS Furnivall Colonial Policy and Practice: A Comparative Study of Burma and Netherlands India (1948) 304.

¹⁷ H Eckstein Division and Cohesion in Democracy: A Study of Norway (1966) 34; see also D Rothchild Managing Ethnic Conflict in Africa (1997) 3.

agreements, treaties and legislation were used in this study. Secondary sources like internet, studies conducted on related topics, media reports and publications were also consulted.

The study has been informed by South Africa and Zimbabwe's power-sharing governments. Post 1994 South African government was chosen in this study because it represents a system which used power-sharing as a pre-emptive strategy to avoid segmental group conflict. Zimbabwean 2009 government of national unity brings to the study a type of government put in place post election violence to avoid further conflict among the political parties and their supporters. These two countries helped in the study to bring out how governments should be arranged to have successful remedial and pre-emptive power-sharing governments.

1.6 Literature review

Chemhuru argues that "Africa's political salvation, if ever it is to be realized, will be enhanced by consensual democracy in a non-party environment."¹⁸ This study states that consensual democracy an equivalent of power-sharing mechanism can serve as Africa's 'political salvation.' This dissertation differs with Chemhuru's stance on the existence of political parties by stating that political parties should still exist because segmental groups are just inevitable in any society. The study suggests that the political parties should, however, function on consensual model and not through a competitive system.

Studies on power-sharing governments and on consociational models in some parts of Africa have been undertaken by scholars who include Oyugi, Sullivan, Lemarchand.¹⁹ Other scholars who have written on power-sharing in some parts of Africa state that it has added a dent to democracy,²⁰ while others state that it is an elite conspiracy against the electorate.²¹

¹⁸ M Chemhuru 'Democracy in Africa: A Defense and Justification of Kwasi Wiredu's Non-Party Consensual Democracy' Harare, University of Zimbabwe (Unpublished Dissertation) (2004) cited in M Chemhuru 'Democracy and the Paradox of Zimbabwe: Lessons from Traditional Systems of Governance' (2010) 3 *The Journal of Pan African Studies* 181.

¹⁹ J Biegon 'The advent of unholy alliances? Coalition governments in the aftermath of disputed elections and electoral violence in Africa; a case study of Kenya' unpublished LL.M thesis, University of Pretoria (2008) 6.

²⁰ Biegon (n 19 above) 29; see also A commentary by Sahara Reporters available at <<http://www.saharareporters.com/article/power-sharing-deals-turning-democracy-upside-down>>(accessed 13 June 2011).

The pro-power-sharing advocates argue that it is the only solution for conflict-prone plural societies.²² This dissertation shows that power-sharing mechanisms are neither a failed democracy nor a conspiracy against the electorate but systems of governance which could enhance democratisation in Africa.

Gerhard Schuhmacher states that the concept of democratisation can be divided into two distinct processes, namely, democratisation from above where the process is driven by a country's political elite, and bottom-up democratisation is a process driven by the 'grass roots' of a country including civil society.²³ For democratisation to be successful, it has been argued that it has to include at least two things: Firstly that the democracy has to be based on the traditions and values of the society in where it is being implemented.²⁴ Secondly, the democratisation process has to be a combination of both top-down approach and bottom-up working simultaneously.²⁵ This is where the political leaders commit themselves to the process of democratisation while engaging the 'grass roots' and civil society.

There is an inclination in Africa towards accommodating each other through power-sharing in the political arena. Party and government formations on the Continent show that power-sharing governments should be recognized as increasingly becoming an integral feature of contemporary African political process.²⁶ The AU through one of its organs the Pan African Parliament (PAP) can play a role in promoting power-sharing as one of the democratic models available for governance in Africa. PAP has the power to recommend to African countries on matters pertaining to consolidation of democratic institutions and the promotion a culture of democracy.²⁷ This study shows that power-sharing is a democratic concept which can be promoted by the AU as a mode of governance system and not as

²¹ Horowitz (n 4 above) 197.

²² A Lijphart Thinking about democracy: power-sharing and majority rule in theory and practice (2008) 278.

²³ G Schuhmacher 'Democratisation in Russia and Indonesia: Is liberal democracy inevitable?' available at <http://www.gerhard-schuhmacher.com/nofr/essays/liberal_democracy.pdf> (accessed 18 June 2011).

²⁴ M Owusu 'Democracy and Africa a View from the Village' (1992) 30, 3 *The Journal of Modern African Studies* 370.

²⁵ Schuhmacher (n 23 above).

²⁶ D Kadima 'African Party Alliances: Comparisons, Conclusions and Lessons' in D Kadima (ed) *The Politics of Party Coalitions in Africa* (2006) 237.

²⁷ Protocol on the Pan African Parliament (2001/2003) art 11(1).

conflict management tool. The AU can do this through its mandate of promoting democratic principles and institutions.²⁸

The repealed 1993 South African Constitution (Interim Constitution) and the Global Political Agreement (GPA) on Zimbabwe's GNU also provided an insight for this study on what form a successful power-sharing agreement should take.

1.7 Overview of chapters

The dissertation is divided into five Chapters. The first chapter covers the introduction, the problem statement and the significance of this study. Chapter two states the conceptual analysis of the power-sharing concept, its rationale and objectives. It also inquires whether power-sharing is a concept of democracy, analyses its effect on democracy and democratisation and concludes by looking at its efficacy. Chapter three contextualises the power-sharing concept by giving an appraisal of the power-sharing mechanisms in South Africa and Zimbabwe. It also brings out the failures and success of these GNUs. This chapter answers questions like whether power-sharing in Africa has been properly implemented or whether there is anything which could have been done differently. Chapter four inquires whether power-sharing can be used as a pre-emptive measure and not as a remedial measure in Africa. The Chapter further inquires into the possibility of designing political institutions and systems of government based on 'power-sharing' as a permanent mode of governance. Chapter five provides conclusions from the study and recommendations.

1.8 Delineations and limitations of study

The study does not purport to invent new theories on how to maintain political stability in Africa through power-sharing mechanisms, nor does it presuppose to be the first work on related topics. The author acknowledges that there are other works published on related topics available. After analysis of the literature, the study has, however, endeavoured to contribute to the plethora of methods of bringing the political stability Africa desires by making recommendation to the African countries and the African Union (AU).

Since the researcher was not based in the Countries of the study focus, the limitation of the study included failure to access information on how the coalition government in Zimbabwe

²⁸ Constitutive Act of the African Union (AU) art 3(g).

is working. This led to a heavy reliance on secondary sources on the internet. The other limitation is that the GNUs in Zimbabwe was still being implemented at the time of the study and could have brought out new issues just after research.

1.9 Assumptions underlying the study

There are three assumptions that inform this study. The first is that the author assumes that political instability in some parts of Africa is caused by some sectors of society feeling excluded from the governance system of their country. This exclusion could be based on their identity which could either be ethnic, religious or any identity which qualifies to categorise a group of individuals as 'a people'. The second assumption is shared by McCulloch that power-sharing mechanisms might not provide all the solutions to the political instability in Africa but can add value to stability and that democratic power-sharing could be the best prospect for political stability in divided societies.²⁹ The third assumption is that there is no single type of governance system which can be accepted by all the African countries to bring political stability to the Continent.

²⁹ McCulloch (n 8 above)16.

CHAPTER TWO

Conceptual analysis and rational of power-sharing government mechanisms in Africa

“No regime could satisfy man completely and that the dissatisfaction would lead men to replace one regime with another in an endless cycle. *Liberal Democracy* did not occupy a special place in this sequence, either with respect to goodness or stability; in fact, democracy has a tendency to give way to tyranny.”³⁰(Emphasis added).

2.1 Introduction

The introduction of Power-sharing government formation in Africa after disputes between political actors has raised concerns among writers. Some argue that this approach is the beginning of failing democracy in Africa.³¹ This chapter analyses the concept of Power-Sharing. It starts by analysing whether it is a concept of democracy or not and then discusses the rationale and justification of the concept of power-sharing governments. The chapter also discusses the obstacles faced in implementing power-sharing mechanisms in Africa and also discusses the efficacy of the concept of power-sharing governments.

2.2 Definition of democracy

In this paper democracy will be understood to be ‘a government by and for the people.’³² From this definition, an inference can be drawn that two types of governance systems can be formed and qualify as democracies.³³ Firstly, the majoritarian type of government where the majority of the people’s views reflect how government should be run.³⁴ This type of government forms the basis on which liberal democracy is developed and some authors have referred to it as ‘majoritarian model of democracy.’³⁵ This model is seen to be closer to the definition of democracy and reflective of the ideal democracy for most countries in

³⁰ F Fukuyama *trans* ‘Aristotle’s Politics’ (n 1 above)55.

³¹ J Biegon (n 19 above) 29; see also K Chitiyo and Sahara Reporters ‘A Commentary’ available at <<http://www.saharareporters.com/article/power-sharing-deals-turning-democracy-upside-down>> (accessed 13 June 2011).

³² Lumumba-Kasongo (n 13 above) 12; Lincoln (n 13 above).

³³ A Lijphart *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries* (1999) 2.

³⁴ As above.

³⁵ Owusu (n 24 above)377.

Africa. The second type of democracy which can be discerned from the definition of democracy is where people agree to form a government for as many people as possible and for all the people in that particular society.³⁶ From this type of interpretation is where a consensual form of governance also referred to as ‘power-sharing’ governments in this study fits in.

2.3 ‘Power-sharing’ as a concept of democracy

From the definition of democracy, an inference can be drawn that people can decide how they want to be governed. If ‘power-sharing mode of democracy’ is what people have agreed by consensus as their preferred method of governance, it follows therefore, that it falls within the definition of being ‘a government for and by the people.’³⁷

There is a strong inclination by most scholars to only equate democracy with liberal (Majoritarian) democracy and failing to recognise that consensus democracy can be a legitimate and equal form of governance.³⁸ It is a mistaken view to think that only a majoritarian approach to government formation is democratic.³⁹ While consensual democracy is equally legitimate as majoritarian democracy, the former has not been adopted by African countries as the mode of government formation.

2.4 Characteristics of power-sharing

Power-sharing as a mode of governance has many forms and characteristics to which it is aligned. For purposes of this study, the focus will be characteristics for ‘formation of governments’ of power-sharing (GNUs) and the ‘decision-making process’ in these governments.

Power-sharing governments are formed by including all major segments of a particular country in the decision-making process. Cleavages which lead to the formation of the segments include ethnicity, race, religion and ideology which in turn culminate into formation of political groupings. As discussed later in chapter four, societies which intend to

³⁶ Lijphart (n 33 above)2.

³⁷ I Budge & H Keman Parties and Democracy: Coalition Formation and Government Functioning in Twenty States (1990) 5.

³⁸ Lijphart (n 33 above)6.

³⁹ As above.

implement power-sharing mechanisms should design institutions and systems of governments which include all the major segments in that society. Power-sharing mode of governance tries to address this problem by bringing to the fore an inclusive mode of decision-making in government.

It is understood that it is not enough for a government to claim that it meets all the needs of all the segments but that individuals will only have satisfaction in the government if they are part of the decision-making process.⁴⁰ A 'people' would feel that their dignity is recognised if they are made part of the decision-making process in government on all decisions which concern them.⁴¹ Decision-making on issues of governance in a power-sharing government is by consensus. This way, everyone including minorities, is given a chance to contribute in the decision-making process. This is in sharp contrast with the majoritarian mode of governance where decisions are made by the majorities through their elected representatives. Democratic power-sharing is premised on the notion that some form of joint decision-making represents the best prospect for the political stability of divided places.⁴²

2.5 Rational and objectives of 'Power-sharing'

Aristotle said that "a state aims at being, as far as it can be a society composed of equals and peers."⁴³ Everyone should have an equal chance to participate in government. The system of governance should not advantage one group against the other and segmental groups should be in a position to work as equals in a society. Social homogeneity and political consensus are considered as fundamental factors necessary to have a stable democracy.⁴⁴ On the other hand, the deep social divisions and political differences within plural societies are held responsible for instability and breakdown in democracies.⁴⁵

⁴⁰ Fukuyama (n 1 above)200.

⁴¹ As above.

⁴² McCulloch (n 8 above)16.

⁴³ E Barker *The Politics of Aristotle* (1958) 181.

⁴⁴ Lijphart (n 10 above)1.

⁴⁵ D Rothchild 'Ethnic Insecurity, Peace Agreements, and State Building' in R Joseph (n 3 above) 323; see also Lijphart(n 10 above)1.

The reasons for having Power-Sharing governments include:

2.5.1 Promotion of inclusive governments to avoid conflict

Sir Arthur Lewis states that the primary meaning of democracy is that “all people who are affected by a decision should have the chance to participate in making that decision either directly or through their chosen representatives.”⁴⁶ He further states that excluding losing groups from participating in decision-making clearly violates the primary meaning of democracy.⁴⁷ Excluding one party from the decision-making process is going against the agreed principle of democracy that it is ‘a government for and by the people.’⁴⁸ From a power-sharing democracy point of view, there is no way society can establish ‘a government by the people’ when others are excluded from decision-making.⁴⁹

Supporters of majoritarian mode of democracy, however, do not find the exclusion of people who lost a genuine free and fair election (losers) from power to be undemocratic.⁵⁰ Usually this argument is based on an assumption that ‘today’s minority ‘losers’ will be tomorrow’s majorities’ and therefore have a chance to participate in the governance process.⁵¹ This assumption of alternating governments is just possible in societies whose political system is not dented by negative identity politics of exclusion. In plural societies that are sharply divided along religious, ethnic, ideological, racial or other forms of identity, majoritarian democracy is undesirable if political parties are formed and organised based on these identities.⁵² Majoritarian democracy becomes undesirable because, those who are in the minority, for instance, a minority ethnic group will perpetually remain in the opposition if voting is based on ethnic lines.

Following this reasoning, majoritarian democracy is undesirable for most African countries because most political parties in Africa are organised on ethnic and religious lines.⁵³ This makes these countries qualify as plural societies because most of them are heterogeneous. Gahama states that in Africa, an election is the same as an ethnic competition, people

⁴⁶ A Lewis Politics in West Africa (1965)64-5.

⁴⁷ As above.

⁴⁸ Lijphart (n 33 above)2.

⁴⁹ As above.

⁵⁰ SP Huntington The Third Wave: Democratization in the Late Twentieth Century (1991) 226.

⁵¹ Lijphart (n 33 above)31.

⁵² Rothchild (n 45 above)321-2; see also Lijphart (n 33 above)31.

⁵³ DL Horowitz *Ethnic Groups in Conflict* (1985) 209; see also Ottaway (n 6 above)311.

organise their parties on ethnic lines and their strongest support base is their ethnic grouping.⁵⁴ In these societies, therefore, the minority ethnic or religious groups might never win an election in a majoritarian model of democracy and form government because voting is based on these divides and the voter's loyalties tend to be more rigid and thus reducing the likelihood of alternation of government.⁵⁵ When a group is condemned into permanent opposition by the political system they lose allegiance to the government in power and may be a source of conflict.⁵⁶

The absence of a government which does not include all interest groups' needs in a society is seen as a root cause of most conflict.⁵⁷ Most conflicts in Africa are because one group feels excluded from the governance process and feels excluded from getting the benefits of the natural resources.⁵⁸ This shows that from the way most political parties are organised in Africa, liberal democracy is not workable. Most of the African countries need a democratic regime that promotes consensus and inclusive government instead of excluding the opposition so as to maximise on the number of people who participate in the decision-making process than being content with a bare majority.⁵⁹

In a favourable environment, power-sharing is more likely to sustain civil peace and a country would stay democratic.⁶⁰ However, if the environment is unfavourable, power-sharing mechanisms may still succeed in maintaining peace and democracy, but it may also have opposite effects of inter-segmental violence and a collapse of the democratic regime, either directly or after a period of majority rule.⁶¹ The conditions for a favourable environment include: all segments are minorities, external threats unify the country, a high

⁵⁴ Gahama (n 4 above) 69.

⁵⁵ Lijphart (n 15 above) 7.

⁵⁶ Lijphart (n 33 above)32.

⁵⁷ K Annan 'Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa' Report of the UN secretary-General (1998) cited in Heyns, C & Stefisyn (eds) *Human Rights, Peace and Justice in Africa: A reader* Pretoria(2006) 241; also available at <<http://www.un.org>> (accessed 6 September 2011).

⁵⁸ As above.

⁵⁹ A Olukosh 'State, Conflict and Democracy in Africa: The Complex Process of Renewal' in Joseph (n 3 above)458 says 'in democratic consolidation in Africa there is lack of popular participation and control of decision-making': see also Lijphart (n 33 above)33.

⁶⁰ Lijphart (n 15 above)86.

⁶¹ As above.

degree of socioeconomic equality exists among all the segments, and there is a strong tradition of elite accommodation.⁶² Favourable conditions for a power-sharing mechanism should merely be regarded as favourable factors, not necessary and sufficient preconditions.⁶³

2.5.2 Promotion of the right model of democracy

Arthur Lewis also states that “it is not democracy which is inappropriate for societies like those in Africa, but only a particular kind of it, namely, liberal democracy”.⁶⁴ It is argued that countries have an option to determine how they will organise themselves politically and which political system to adopt.⁶⁵ There is no universal mode of governance system which is suitable for all countries and when a system fails, people can choose one which serves them better.

McCulloch argues that if democracy is to serve as a means for the mediation and minimization of conflict, it must, be institutionalized according to the power-sharing principle.⁶⁶ It is not only any type of democracy that can achieve this but only a mode of democracy that is consensus-building type.⁶⁷ Sharing political power acts as an authentic avenue to decision-making for groups that on the basis of their identity could be marginalized under a majoritarian system.⁶⁸

Power-sharing governments are easier to implement in societies which have consensual political culture.⁶⁹ Consensus mode of democracy depends heavily on a culture where people are used to settle their differences on governance by consensus. After a study of countries in West Africa, Lewis found that Africa is a better place to implement power-sharing mechanisms because Africans by nature agree by consensus.⁷⁰ The position is supported also by Adebayo Adedeji when he said that:

⁶² As above.

⁶³ Lijphart (n 15 above)114.

⁶⁴ Lewis (n 46 above)64.

⁶⁵ Fukuyama(n 1 above) 45.

⁶⁶ McCulloch (n 8 above) 14..

⁶⁷ As above.

⁶⁸ McCulloch (n 8 above) 16.

⁶⁹ Lijphart (n 33 above)308.

⁷⁰ As above.

“Africans are past masters in consultations, consensus, and consent, our traditions abhor exclusion. Consequently there is no sanctioned and institutionalised opposition in our traditional system of governance. Traditionally, politics for us has never been a zero-sum game.”⁷¹

Henry Bienen and Jeffery Herbst argue that propositions that liberal democracy has failed to resolve Africa’s governance problems are made by non-western political leaders who have abused the system and meant to justify their deviations from democracy.⁷² For instance, Kenya’s Prime Minister Raila Odinga while addressing a Movement for Democratic Congress (MDC) national congress in Bulawayo said that:

“We have seen that the re-introduction of multiparty politics in Africa has not solved the governance problem... we have seen that multi-party elections alone will not propel us from institutional authoritarian systems to move democratic modes of governance...*multi-party democracy is failing to resolve African problems.*”⁷³[emphasis added]

Lijphart states that the fact that some leaders have used the argument for illegitimate reasons that majoritarian democracies have failed their societies does not make the argument less valid on merit.⁷⁴ Concentration should not be on which individuals are advocating that majoritarian democracy has failed in Africa but on whether the argument itself is valid or not, based on the analysis of the elements of liberal democracy. This chapter has been indicated that introducing consociational democracy is favourable in cultures where consensus is deeply rooted. In this regard, consensus oriented political cultures like those for Africa may be considered as fertile grounds for its introduction.⁷⁵

⁷¹ As above.

⁷² Lijphart (n 33 above)309.

⁷³ ‘Multi-party democracy failing to resolve African problems’ Post Newspaper Zambia 2 May 2011 12

⁷⁴ Lijphart (n 33 above)309.

⁷⁵ As above.

2.6 Arguments on the effects of ‘Power-Sharing’ government mechanisms on democratisation

2.6.1 Creates a bad precedent and a failure of democracy

Some writers submit that the resort to power-sharing governments is setting a bad precedent and a failure of democracy.⁷⁶ This study has shown in chapter three that to some extent the method used in implementing these power-sharing governments in Africa in the recent past may set a bad precedent. However, this study indicates that the concept itself cannot be referred to as a failure of democracy because power-sharing falls within the definition of democracy. Such a submission that ‘power-sharing’ is a failure of democracy is based on having a narrow understanding of the definition of democracy and equating democracy to mean liberal democracy.

2.6.2 Loss of accountability to the majority voters

It is argued that majoritarian democracy mode of governments are more accountable to the people than power-sharing democracies.⁷⁷ In the former system, a political party has more fear of losing power in a subsequent election than in the latter system because the party has to depend on majority of voters to form government.⁷⁸ This argument, however, is only true in countries with two major political parties like the United States of America and not in most African countries with many political parties.⁷⁹ Where there are more than two parties in a political system, a party can win an election and form government with minority votes cast in an election while the bulk of the votes are split over the losing parties. It is common in Africa to have parties forming government with Minority votes cast and the opposition parties have the majority split among them. In such a situation, it cannot be said that the government is a representative of the majority and accountable to them if the government came in power with minority votes of the total votes cast in an election. There is also loss of accountability to the majority of voters if liberal democracy has a potential of creating a government voted by the minority.

⁷⁶ Biegon (n 19 above) 29.

⁷⁷ Lijphart (n 33 above) 288

⁷⁸ As above; see also D. Rothschild & P. G. Roeder, ‘Power-sharing as an impediment to Peace and Democracy’ in D Rothschild & P. G. Roeder (eds) (2005) *Sustainable Peace: Power and Democracy after Civil Wars* 37.

⁷⁹ Lijphart (n 33 above) 288

Scholars like Horowitz also argue that there is loss of accountability to the voter in power-sharing mechanisms because the model only accommodates the elite of society and denies the voters the chance to participate in the governance systems of their societies.⁸⁰ This dissertation has discussed in chapter four that power-sharing mechanisms can provide for alternation of leaders in government and the electoral system can be designed to allow the voters to participate in the electoral process.

2.6.3 It weakens the 'voice' of opposition parties

If one regards the presence of an opposition as an essential ingredient of democracy, power-sharing mode of democracy is by definition less democratic than liberal democracy.⁸¹ Critics to power-sharing government mechanisms argue that this type of governance kills the opposition voice in the governance system of a country.⁸² The opposition are supposed to help in the checks and balances of those in government and thereby promoting transparency and accountability. The pro power-sharing scholars refute this argument that it is not based on the concept of democracy because there is nowhere in the definition of democracy where it says it has to be adversarial.⁸³ Adversarial behaviour is just a preference of those who choose majoritarian democracy and not a concept of democracy.⁸⁴

The other counter argument, to this criticism is that checks and balances of governance can still be done within the governing body where individual members could be held accountable.⁸⁵ This does not necessary need to be done by an opposition party if there are in-built checks and balances within the same organ of government. Criticism of the governance system to be effective does not need to be directed at the entire governing body, but even more so against individual members of the coalition by supporters of the

⁸⁰ Horowitz (n 4 above) 197.

⁸¹ Lijphart (n 10 above) 47.

⁸² Lijphart (n 15 above)11; see also A commentary by Sahara Reporters available at <<http://www.saharareporters.com/article/power-sharing-deals-turning-democracy-upside-down>> (accessed 13 June 2011).

⁸³ Lijphart(n 15 above)11.

⁸⁴ As above.

⁸⁵ Owusu (n 24 above) 391 were he said that 'the new local government system in Ghana has built-in checks and balances *within the system* against abuses of power and position'[emphasis added]; see also Lijphart (n 15 above)11.

other parties.⁸⁶ A third counter argument to the criticism of lack of opposition is that power-sharing governments do not rule out opposition completely.⁸⁷ Where a governing body is responsible to another body, for instance, the executive to parliament and vice versa, checks and balances can be applied.

Lijphart argues that the absence of an effective opposition in a power-sharing system of government is an unfair criticism because the standards of democracy in a homogenous society should not be used to evaluate political performances of plural societies.⁸⁸ This criticism presupposes that the opposition will one day form government, but some segmental cleavages are inflexible and do not allow movement of votes between parties especially in Africa where ethnicity determines where the vote goes.⁸⁹ It can be considered very undemocratic to exclude the minority segment(s) permanently from participating in the government and expect them to remain a loyal opposition to help in checks and balances.⁹⁰

2.6.4 Leads to an ineffective bloated government

Another potential criticism is that a power-sharing mechanism can lead to a bloated government making it expensive to maintain, making decisions will be slow and people will not be employed on merit leading to inefficiency.⁹¹ Adversarial system of majoritarian democracy may be seen to be efficient in the short term but the decisions made by such governments are not sustainable in societies where some segments feel that they have been denied a chance to participate in decision-making. Short term efficiency may lead to a breakdown to stability in the long run.⁹² Given an option, societies may choose a government which is slow in making decisions but sustainable from conflict than efficient but not sustainable.⁹³

⁸⁶ Lijphart (n 10 above) 48.

⁸⁷ As above.

⁸⁸ As above.

⁸⁹ As above.

⁹⁰ Lewis (n 46 above) 64-65; see also Lijphart (n 10 above)48.

⁹¹ Lijphart (n 10 above)51.

⁹² As above.

⁹³ As above.

2.7 Justification for power-sharing government mechanisms

Lucian Pye argues that political development in general cannot advance far without the deep sense of identification with the total system.⁹⁴ Democratisation and other dimensions of development are usually thought to be dependent on national integration.⁹⁵ Therefore, a political system can find it difficult to develop if some sectors of society do not feel to be part of it and lack of national unity among segments acts as an obstacle to democratisation.⁹⁶ Power-sharing helps in bringing together all interests group so that everyone feels to be part of the decision-making process and part of the larger political system.

Most segmental groups in society are not preoccupied with economic gains offered by the system but they desire recognition and dignity.⁹⁷ Being part of the decision-making process in a society is one way of being recognised and offering a segmental group a sense of dignity.⁹⁸ A system becomes undesirable if it does not offer the people the recognition of their dignity and self-worth if they are perpetually dominated by another group of people. The recognition sought in terms of governance is not for self as an individual but the group which one is member.⁹⁹ In most African countries, where political systems are organised on ethnic lines, power-sharing in decision-making is the best way to provide recognition of minority ethnicities. In a political system, people mostly want to be recognised as a group and not as individuals,¹⁰⁰ an area of strength for power-sharing mechanisms.

Like most liberal democrats, Huntington supports the idea that the current political dispensations should not be based on peoples' identities.¹⁰¹ Political parties should be based on ideologies such as conservatism, social democracy and liberalism. Huntington's proposition is ideal and could be a better solution for African political parties but the problem with his proposition is that it is based on the assumption that segments can forget

⁹⁴ LW Pye 'The Legitimacy Crisis' in L Binder *et al* (eds) *Crises and Sequences in political Development* (1971) 117.

⁹⁵ Lijphart (n 10 above)19.

⁹⁶ As above.

⁹⁷ Fukuyama (n 1 above)201.

⁹⁸ Fukuyama (n 1 above)200.

⁹⁹ Fukuyama (n 1 above)201.

¹⁰⁰ As above.

¹⁰¹ S Huntington *Political Order in Changing Societies* (1968) 34.

their identity and forge ahead on the political front as one unity. This has proven to be practically impossible in Africa because political parties have been organised on one identity or the other.¹⁰² Therefore, the only plausible solution is to bring the different segments on the political plane together to act as one through power-sharing to avert exclusion of minority groups which could arise from a majoritarianism system.

However, like most democracies have different challenges, power-sharing has its own obstacles which hinder its successful implementation.

2.8 Obstacles to successful power-sharing mechanisms in Africa

There are various reasons why most GNU in Africa have not succeeded or why they might not. The reasons include:

Firstly, power-sharing governments in Africa are always implemented in a hurry without giving the parties enough time to understand the implication of the decision they are making. In Kenya in 2008 the negotiations between the parties took about two months and in Zimbabwe the 2008 and 2009 negotiations lasted for just over five months. If all institutions of government are to embrace a power-sharing mode of decision-making, there is need to have enough time to restructure the entire system. If a GNU is hastily implemented, it does not give chance for the segmental leaders to consult the rank and file on how they wish to see the affairs of the GNU managed.¹⁰³ This leaves the power-sharing governments to remain 'clubs' of the elite.

The second obstacle is that power-sharing is imposed on unwilling parties who do not want to work together and have a successful power-sharing government. This denies the whole process committed leadership like was the case in Angola, Rwanda and Zimbabwe. For instance, Jonas Savimbi a former opposition leader in Angola stated that he was not interested in the peace deal which was signed in 1994 in Lusaka, Zambia and embarked on deadly war against government.¹⁰⁴ The former Rwandan president Habyarimana and

¹⁰² Ottaway (n 7 above) 316.

¹⁰³ Horowitz (n 4 above)90.

¹⁰⁴ A Hamajoda *Africa and ills of majoritarian democracy* (2011) available at <<http://www.peoplesdaily-online.com/opinion/opinion/7558-africa-and-ills-of-majoritarian-democracy>> (accessed 10 September 2011).

Mugabe in Zimbabwe also publicly discredited the GNU.¹⁰⁵ Usually there is lack of commitment to the GNU because most leaders only agree to form a power-sharing government when they feel they are losing legitimacy and power.¹⁰⁶ Their sole purpose, therefore, would not be to see the success of the government but for them to continue holding on to power.

The third obstacle is that power-sharing has always been introduced as a transitional or temporal measure in most countries as they prepare to have 'genuine democratic' elections. This approach has made segmental groups not be committed to the success of the government but use the time they stay in the GNU to mobilize themselves politically in readiness to unseat the other parties from government.

The fourth obstacle to a successful power-sharing government is the difficulty of identifying the significant segmental groups to be made part of the GNU. This can be the greatest problem if power-sharing is to be used as a pre-emptive strategy to avoid conflict and some parties are excluded from the process. There is a possibility that some parties might benefit from being part of the GNU while others benefit from continuing with conflict where one has already ensued. The challenge is to get everyone involved in the successful implementation of a power-sharing government.

Having several segmental groups in a society also acts as an obstacle to having a stable GNU.¹⁰⁷ This can be addressed if those with overlapping identities choose to come together to lessen division. On the other hand, having two main political parties of almost the same size has been found that it turns out to be very difficult for them to work together in a coalition government of two partners.¹⁰⁸ As discussed in chapter three, this seems to be the

¹⁰⁵ Habyarimana's speech in 1992 cited in M Traniello 'Power-Sharing: Lessons from South Africa and Rwanda' (2008)3 *International Public Policy Review* 39; Mugabe openly said he is 'fed up with the nonsense of the GNU and wanted elections' see 'Mugabe avoids SADC bashing' *The Zimbabwean* 23 November 2011 available at <<http://www.thezimbabwean.co.uk/pages/advertise>> (accessed 25 October 2011).

¹⁰⁶ B Reilly & A Reynolds *Electoral systems and conflict management in divided societies* (1999)31.

¹⁰⁷ Lijphart (n 10 above)171.

¹⁰⁸ D Kadima & R Kasenally 'The Formation, Collapse and Revival of Political Party Coalitions in Mauritius: Ethnic Logic and Calculation at Play' in Kadima (n 26 above)103.

problem between MDC and ZANU-PF in Zimbabwe because both parties feel they have the strength and capacity to govern without the other.

The last obstacle is the lack of internal mechanisms within GNUs to manage conflict among the parties which arises from the implementation of the policies of the GNU agreements.¹⁰⁹ For instance, whenever there is a conflict between MDC and ZANU-PF in Zimbabwe, it has to be solved by the mediator through Southern Africa Development Community (SADC) and not by the parties themselves within government. Parties in a power-sharing government should agree on mechanisms to deal with conflicts within the government in order to ensure that the alliance is functional and effective.¹¹⁰

2.9 Efficacy of the concept of power-sharing

Power-sharing is a concept of democracy and thus can be used as a mode of governance effectively like any other type of governance model. There is nothing in the concept that true democrats have to be ashamed of.¹¹¹ It is fully democratic to the extent that any real world democracy can approximate the democratic ideal and it is just as democratic as majoritarianism.¹¹² It is said that societies that have succeeded in democracy and democratization process are those that have based their system of governance on those country's history, traditions and culture.¹¹³ Scholars state that had Africa implemented a type of democracy which includes its traditions and values, it would rank *pari passu* with other democracies.¹¹⁴ The zero-sum approach of winner take-all advanced by majoritarian democracy is alien to Africa.¹¹⁵ Power-sharing like any mode of governance system will succeed better in societies which have values close to the characteristics of power-sharing. In plural societies, regardless of the degree of pluralism, power-sharing is more likely to succeed than majoritarianism if given an equal chance to be implemented.¹¹⁶

¹⁰⁹ Kadima (n 26 above)232.

¹¹⁰ Kadima (n 26 above) 239.

¹¹¹ Lijphart (n 15 above) 109.

¹¹² As above.

¹¹³ Owusu (n 24 above)370.

¹¹⁴ WI Jennings *Democracy in Africa* (1963) 67.

¹¹⁵ IS SPEARS 'Understanding inclusive peace agreements in Africa: the problems of sharing power' 21
Third World Quarterly (2000) 105-6.

¹¹⁶ Lijphart (n 15 above)101.

2.10 Conclusion

The chapter has shown that power-sharing is an effective concept of governance worth pursuing. Power-sharing mechanisms' significant characteristic is that the formation of government is inclusive and decision-making is by consensus. It might have its own weaknesses, but power-sharing democracy could contribute greatly to stability to African politics which is mostly based on ethnic identity. Ethnic identities in the political system have been seen in this chapter as a source of exclusion of minority ethnicities in majority democracy and root cause of most political conflicts. Power-sharing mechanisms have been established to be effective democratic models which can have a positive contribution to democratisation in Africa because they based on values and traditions which are not alien to most African societies.

CHAPTER THREE

Power-sharing governments in Zimbabwe and South Africa: An appraisal

“Democracy must mean at a minimum a significant share of the many in political decision-making.... Our basic assumption is that democracy is a matter of power and power-sharing.”¹¹⁷

3.0 Introduction

The absence of viable alternatives for democratic governance constitutes perhaps the strongest argument in favour of power-sharing.¹¹⁸ Mostly in Africa, it has been seen that power-sharing mechanisms are introduced because that is the only means the antagonist parties in the political field could have agreed to participate in governance.¹¹⁹ This Chapter discusses the power-sharing government mechanisms of the South African government of 1994 and the Zimbabwean government of 2009. It looks at the background to the formation of the power-sharing governments (Government of National unity ‘GNUs’) and the reasons for their formation. The Chapter then discusses the mode of power-sharing through the institutional framework in both countries and assesses their performance by focusing on the success and failures of these governments with regard to democratic governance.

3.1 Zimbabwe

3.1.1 Background of political parties in GNU

Zimbabwe gained its independence in 1980 when Ian Smith’s white minority regime was replaced by mainly majoritarian black rule and Robert Mugabe was elected as Prime Minister. Mugabe as Prime Minister elect, addressed the people in Zimbabwe on 4 March 1980, emphasizing that his government would bring ‘peace and stability’ through security

¹¹⁷ Huber *et al* Impact of Economic Development (1993)73 cited in Joseph (n 3 above) 12.

¹¹⁸ Lijphart (n 15 above) 10.

¹¹⁹ Power-Sharing mechanisms in Africa have been implemented in countries which include; Angola, Kenya, Burundi, Rwanda, Somalia, South Africa and Zimbabwe.

for everyone.¹²⁰ The study focuses on the period from 1999 when Mugabe embarked on policies which led to the current GNU. In that year Mugabe embarked on nationalization and black empowerment policy where he grabbed white owned farms and land without paying compensation for them. He distributed the farms and land to the black Zimbabweans and the post Independence war veterans. This led to international outcry where the government of Zimbabwe was condemned for acting arbitrary and violating the rights of white land owners.¹²¹ Because of this action, European Union (EU) and the United States of America imposed economic and targeted sanctions on Zimbabwe and the economy when down during this period to its historical low.¹²²

Amidst the confusion of grabbing white owned farms and the economic sanctions, a new party called Movement for Democratic Change (MDC) was formed on 11th September, 1999. The MDC has a different ideology to that of the ruling party the Zimbabwe African National Union-Patriotic Front (ZANU-PF) on land issues.¹²³ The MDC believes that land can only be grabbed with adequate compensation to the owners of such a piece of land. The ZANU-PF believes that they owe no obligation to pay compensation to the land owners because at independence the former coloniser Britain undertook to help in the compensation process.¹²⁴ Although both ZANU-PF and MDC believe that Britain has a responsibility to compensate the white farmers, MDC took issue with ZANU-PF on how the whole exercise was done. The difference between MDC and ZANU-PF is mainly based on ideology on governance and this has been the main cause of division between the parties in the GNU.¹²⁵ Ideology can also act as a cleavage for creation of segmental groups in a society.

¹²⁰ R Mugabe "Address to the Nation by the Prime Minister Elect" available at <http://web.archive.org/web/20040312141228/http://www.gta.gov.zw/Presidential+Speeches/1980_Nat_Add.html> (accessed on 6 October 2011).

¹²¹ AH Akram-Lodhi *et al Land, poverty and livelihoods in an era of globalization: perspectives from developing and transition countries* (2007) 368.

¹²² C White *Sanctions on Zimbabwe: Africa under Attack* available at <<http://www.nathanielturner.com/sanctionsonzimbabwe.htm>> (accessed 5 October 2011).

¹²³ Global Political Agreement (GPA) art 5(4) available at <<http://www.copac.org.zw/home/government-of-national-unity.html>> (accessed 17 July 2011).

¹²⁴ GPA art 5(6).

¹²⁵ GPA art 5(4).

As the economy of Zimbabwe was going down because of economic sanctions, MDC was gaining support from the masses with the message that they would help the economy recover if they were voted into office. Six years after its formation MDC, however, suffered a setback when some senior members of the party decided to break away from the main MDC and formed their own faction.¹²⁶

In an election of March 2008, Tsvangirai the leader of MDC had more votes than Mugabe the incumbent president of Zimbabwe although not enough to make him an outright winner to avoid a re-run. The Electoral Act provides that one has to get more than 50 per cent of the votes cast if they are to be president in Zimbabwe.¹²⁷ Tsvangirai got 47.87 per cent, Mugabe had 43.24 per cent, Makoni and Towungana had 8.31 and 0.53 per cent respectively.¹²⁸ Since no political party had managed to garner more than the 50 per cent, it was inevitable for the two top political parties to go for a runoff. In June 2008, Tsvangirai pulled out of the race, a few days before the scheduled runoff could take place. He cited widespread political violence and the absence of conditions for a free and fair election as the reasons for his decision.¹²⁹ Mugabe participated in that runoff election alone and was declared winner.

There was still political instability after Mugabe was declared winner. On September 15, 2008, after weeks of negotiations, Mutambara, Tsvangirai and President Mugabe reached an agreement to form a unity government.¹³⁰ After lengthy negotiations among the political parties a power-sharing agreement known as Global Political Agreement (GPA) was signed, and Morgan Tsvangirai was sworn as Prime Minister and professor Mutambara as deputy

¹²⁶ 'MDC split final – official' Exclusive 11 December 2009 available at <<http://www.newzimbabwe.com/pages/senate80.13422.html>> (accessed 2 October 2011).

¹²⁷ Electoral Act Chapter 2 sec 13 as amended 110.

¹²⁸ 'Zimbabwe: 2008 Presidential election results - first round' Electoral Institute for the Sustainability of Democracy in Africa 2 May 2008 available at <<http://www.eisa.org.za/WEP/zim2008results5.htm>> (accessed 2 October 2011).

¹²⁹ 'Morgan Tsvangirai pulls out of vote' The Telegraph 22 June 2008 available at <<http://www.telegraph.co.uk/news/worldnews/africaandindianocean/zimbabwe/2175027/Zimbabwe-Morgan-Tsvangirai-pulls-out-of-vote.html>> (accessed on 23 May 2011).

¹³⁰ 'Robert Mugabe - Morgan Tsvangirai power-sharing deal: Zimbabweans hail new era' The Telegraph 15 September 2008 available at <<http://www.telegraph.co.uk/news/worldnews/africaandindianocean/zimbabwe/2964451/Robert-Mugabe-Morgan-Tsvangirai-power-sharing-deal-Zimbabweans-hail-new-era.html>> (accessed 5 October 2011).

Prime Minister of the new coalition government on February 11, 2009.¹³¹ Professor Mutambara is the leader for the other MDC break-away faction.

3.1.2 Reasons for power-sharing

The violence which ensued after the 2008 presidential elections between MDC and ZANU-PF supporters made the political situation in Zimbabwe volatile for any political party to govern peacefully. Even when Mugabe was declared winner after Tsvangirai pulled out of the election, the political situation was tense for Mugabe to run government. The situation was deteriorating into a more violent situation and there were a lot of lives lost because of the violence between MCD and ZANU-PF supporters. To avoid the situation getting worse, SADC using its mandate to prevent and resolve conflict where there is large-scale violence between sections of the population in a member state, resolved that the political parties form a power-sharing government.¹³² This resolution by SADC was also adopted by the AU.¹³³ This power-sharing government also referred to as a Government of National Unit (GNU) was to include the two MDC factions and the ZANU-PF.

Some writers like Chitiyo argue that one of the reasons ZANU-PF agreed to form the coalition government was the belief that only the MDC could prevail on the West to lift targeted sanctions.¹³⁴ The sanctions imposed by the West gave the MDC some leverage to be part of the GNU.¹³⁵ On the other hand, the MDC's reason for being part of the GNU was to gain access to the levers of power, to influence the economic and political direction of the country through fundamental democratic reforms.¹³⁶

¹³¹ 'Mugabe swears in rival Tsvangirai as Zimbabwe PM' The Guardian 11 February 2009 available at <<http://www.guardian.co.uk/world/2009/feb/11/tsvangirai-zimbabwe-prime-minister-mugabe>> (accessed 4 October 2011).

¹³² SADC Protocol on Politics, Defence and Security Co-operation arts 1(e) & art 2(i).

¹³³ Communiqué of The Extraordinary Summit SADC held on 17 August 2008 available at <<http://www.sadc.int/index/browse/page/218>> (accessed 4 October 2011).

¹³⁴ K Chitiyo 'Zimbabwe's Government of National Unity' Available at <<http://www.rusi.org/analysis/commentary/ref:C49A7C35DD8E9A/>> (accessed on 13 June 2011).

¹³⁵ As above.

¹³⁶ 'Zimbabwe GNU: The successes and failures' Salan 11 Feb 2011 available at <<http://www.salan.org/news/zimbabwe-gnu-the-successes-and-failures>> (accessed 2 October 2011).

3.1.3 Institutional framework for the GNU

The institutional framework of the GNU is provided for in the GPA and only provides for power-sharing in the executive arm of government and some relative adjustment to the composition of Senate. This mode of power-sharing mechanism provided for in the GPA is what Lijphart would refer to as the grand coalition form of government, discussed later in this chapter.¹³⁷

The GPA provides that Executive Authority of the Inclusive Government shall vest in, and be shared among the President, the Prime Minister and the Cabinet, as provided for in the Constitution and legislation.¹³⁸ It further provides that the executive authority should be exercised within the Constitution and law. The GPA stresses that the parties to the Agreement in exercising their executive authority should have regard to the principles and spirit underlying the formation of the Inclusive Government.¹³⁹ The parties are also urged to act in a manner that seeks to promote cohesion both inside and outside government.¹⁴⁰

The composition of the GNU includes: one President and two Vice Presidents from ZANU-PF, one Prime Minister and two Deputy Prime Ministers from the two MDC factions, 31 ministers with 15 from ZANU-PF, 13 from MDC faction led by Tsvangirai (MDC-T) and 3 from the MDC faction led by professor Mutambara (MDC-M).¹⁴¹ There are 15 positions for deputy ministers with eight from ZANU-PF, six from MDC-T and one from MDC-M.¹⁴² Additional nine positions were created in the senate and each party to the GPA was entitled to appoint three members to fill the positions.¹⁴³

The composition of the GNU is indicative that power-sharing was proportional to the strength of the party in the National Assembly through the number of seats each one of them held.

¹³⁷ Lijphart (n 10 above) 25.

¹³⁸ GPA art 20(1)(1).

¹³⁹ As above.

¹⁴⁰ As above.

¹⁴¹ GPA art 20(1)(6).

¹⁴² As above.

¹⁴³ GPA art 20(1)(7).

3.1.4 Assessment of the effect of the GNU on Zimbabwe

The success or failure of the Zimbabwean GNU will be assessed from two aspects. Firstly, it will be to assess whether in its current form, the GPA has provided Zimbabwe with a GNU that can work effectively and efficiently. The way the GPA is drafted has both elements to enhance success and failure of the easy implementation of government programmes in the GNU. It included some elements of power-sharing and left out others. Secondly, is to assess whether the GNU has met the targets it is meant to achieve as envisaged by the GPA. The GPA was meant to create a political environment where parties could once again compete for political power in a free and fair atmosphere without intimidation and harassment.¹⁴⁴ It meant that liberal democracy was temporarily suspended to allow parties reach some benchmarks before it was reintroduced. Some of the expected political benchmarks include, a constitutional review to bring about a new constitution to meet the current aspirations of Zimbabweans, restoration of economic stability and growth, calling for the lifting of sanctions and measures, respect for national institutions and promotion of the rule of law.¹⁴⁵

3.1.4.1 Success of the GNU

The GPA contributed to the success of the GNU in Zimbabwe by including two elements of power-sharing which are necessarily for an efficient and effective running of power shared government. The elements which were included in the GPA are the 'executive grand coalition' and 'proportional representation' and the GPA left out two other elements which are 'mutual veto' and 'federalism and segmental autonomy.'¹⁴⁶ These two elements of power-sharing included in the GPA contributed to effective operation of the GNU as follows:

i. grand coalition

One of the significant elements of power-sharing is a grand coalition, which entails having an executive which includes all the political leaders of all significant segmental groups of the plural society in the positions of government.¹⁴⁷ Every segment that matters in a particular society becomes part of the decision-making process. Although there are different types of grand coalitions, what should be important is that leaders of all the significant segments in

¹⁴⁴ GPA art 10.

¹⁴⁵ Chitiyo (n 134 above); see also GPA articles 2, 3, 6 8, 10 & 11.

¹⁴⁶ See GPA generally.

¹⁴⁷ Lijphart (n 10 above) 25.

the plural society participate in governing.¹⁴⁸ The key to the grand coalition is not the particular institutional arrangement but that the participation of all the leaders takes place.¹⁴⁹

On this element of power-sharing, Zimbabwe has scored highly because all the major segmental groups were made part of the GNU and shared the executive power.¹⁵⁰ Although there seems to be some hostility among the parties to the GPA, multiparty Cabinet meetings have been held. Civil society groups have been invited by the military and war veterans groups to discuss reconstruction and the GNU. These actions show that with commitment from all stakeholders, a power-sharing government in Zimbabwe can be a success. Another positive score from the executive grand coalition is that although there may be different diverging political ideologies between the parties that constitute the GNU, most of the times decisions are based on consensual agreement on thorny issues, like those matters which affect the economy.¹⁵¹

ii. **proportionality**

Van den Berghe says that in a power-sharing, it is important that the Agreement making the GNU indicates “a precise *modus Vivendi* and *modus operandi* ensuring that the distribution of power in the society is roughly proportional to the size of the groups.”¹⁵² He emphasises that it should be clear how the segmental cleavages are to be treated and the legitimacy of accepting pluralism while respecting the integrity of the groups should be stated.¹⁵³ The parties to the GNU are to be represented according to their political strength.

The GNU institutional framework is indicative of the fact that parties to the GPA are proportionally represented in government in accordance with their size through the number of seats in parliament.¹⁵⁴ The GPA has also spelled out clearly the powers of each party in the GNU and how it should exercised for the benefit of everyone. The element of

¹⁴⁸ Traniello (n 105 above) 17.

¹⁴⁹ As above.

¹⁵⁰ GPA art 1.

¹⁵¹ M Chemhuru ‘Democracy and the Paradox of Zimbabwe: Lessons from Traditional Systems of Governance’ (2010) 3 *The Journal of Pan African Studies* 188.

¹⁵² Lijphart (n 10 above)235.

¹⁵³ As above.

¹⁵⁴ GPA art 20(1)(6).

proportionality is, thus, properly included in the operations of the GNU and contributes to running a relatively stable power-sharing government.

On the second leg of measuring success through meeting the targets envisaged by the GPA, the parties to the GNU have fared quite lowly on this one. There has been reduced violence among the political party supporters and the economy seems to be performing better than it did before the introduction of the GNU. There is, however, records of more failures than success in meeting the targets set by the GPA.

3.1.4.2 Failures of GNU

The GPA can be seen to have contributed to failure of implementing a successful GNU in Zimbabwe by leaving out two important pillars necessary in power-sharing mechanisms which include ‘autonomy and federalism’, and the ‘mutual veto.’

i. segmental autonomy

Where necessary, segments in a society should be given autonomy to decide on issues which are directly of interest to them like education and culture.¹⁵⁵ If possible the segments which are geographically concentrated should have regional autonomy.¹⁵⁶ Federalism and decentralisation could be the forms in which segmental groups are given authority to run their own affairs. Power-sharing is a broader concept and more encompassing than federalism. Federalism restricts itself to geographical segments while power-sharing includes segments which are geographically interwoven but separated by ideology, race or ethnicity.¹⁵⁷

The omission of the element of segmental autonomy in the GPA seems not to have been important to the drafters of the Agreement because the segmental groups are geographically interwoven and only separated by ideology on governance. Had the GPA meant to be a permanent solution in Zimbabwe, this element would have been important to include for any segmental group which would later rise based on another identity like ethnicity. Since the parties in the current GNU are separated by ideology, segmental

¹⁵⁵ M Traniello (n 105 above)31.

¹⁵⁶ Lijphart (n 10 above)42.

¹⁵⁷ As above.

autonomy does not add much value to the system. Omission of this element in the GPA does not strongly affect the operations of the GNU.

ii. mutual veto

Veto in this study refers to the power to stop decisions in a GNU from being implemented. The mutual veto should be possessed by everybody in the grand coalition to avoid it being abused by any particular segment to unnecessarily veto decisions. The mutual veto acts as a guard against any segmental group which unreasonably intends to use it because they would also have the decisions which are in their interest blocked by others using the same veto power.¹⁵⁸ Calhoun argues that giving segmental groups power to veto “makes the use of the veto only when it is absolutely necessary and gives each group confidence to participate in the governance process objectively.”¹⁵⁹

The omission of the element of mutual veto in the GPA has made parties to the Agreement to have unbalanced power in government. Mostly MDC has found itself vulnerable as a weaker party in most decisions. This was demonstrated by the arrest of Roy Bennett, the MDC’s nominee for Deputy Minister of Agriculture and the continued farm invasions which MDC had promised to halt.¹⁶⁰ Most non ZANU-PF members remain detained and Tsvangirai once left the country in fear that the police were planning to arrest him.¹⁶¹ The insecurity suffered by MDC members in the GNU and the uncertainty of the duration of the GNU makes the operations of government unworkable. If the element of mutual veto was included in the Agreement, MDC would have used it to protect itself against arbitrary decisions and detention of its members made by ZANU-PF without consultation from the other partners in the GNU.

The failures of running a successful GNU could also be discerned from the practice of the leaders in government. The failure to meet most of the targets envisaged by the GPA like enacting a new constitution, calling for lifting of economic sanctions and observance of the rule of law can be attributed to the conduct of parties to the GNU in Zimbabwe. To have a

¹⁵⁸ Lijphart (n 10 above)36.

¹⁵⁹ As above.

¹⁶⁰ ‘MDC Minister Roy Bennett Arrested in Harare’ Voice of America 13 February 2009 available at <<http://www.voanews.com/english/news/a-13-2009-02-13-voa26-68629597.html>> (accessed 11 August 2011).

¹⁶¹ ‘Tsvangirai meets Zuma amid fears of imminent arrest’ Pretoria News 28 March 2011 2.

successful power-sharing government, there is need to have committed leadership from the parties involved who share a vision of a successful government and should be willing to accommodate each other's views.¹⁶² This element of committed leadership seems to be lacking in Zimbabwe because when Mugabe is not around, ZANU-PF Ministers cannot attend cabinet meetings chaired by Tsvangirai and MDC Ministers once protested against this act.¹⁶³ This shows that some ZANU-PF members do not have faith in the leadership of Tsvangirai to chair cabinet.

One of the greatest failures of the GNU is that the parties do not function as a single unit in discharging their duties in government. Mugabe appoints ambassadors and governors without consulting the other parties to the GPA.¹⁶⁴ The MDC-M faction also fired their president without consulting GNU partners, thereby creating uncertainty whether he can be withdrawn from the GNU and replaced by a new leader of the party or not.¹⁶⁵ President Mugabe has, however, refused to recognise the withdrawal of Professor Arthur Mutambara by his party and has pledged to continue working with him.¹⁶⁶ The refusal to withdraw professor Mutambara by Mugabe has created animosity within MDC-M faction. The parties need to function as a single unit in making decisions which might affect the survival of the GNU by consulting each other as envisaged by the GPA.¹⁶⁷

The GNU also faces external and internal challenges in its execution by the parties. Local civil society and new political parties such as the newly resuscitated Zimbabwe African People's Union (ZAPU) see MDC for being part of the GNU as a 'traitor' to the cause of democracy which people struggled for.¹⁶⁸ This puts the MDC in an awkward position whether to continue or to withdraw from the power-sharing government and this perception by others

¹⁶² SO Ouma 'Constitutional Mechanisms for the Management and Settlement of Identity conflict: The cases of Sudan, Kenya and Somalia' unpublished thesis, Luiss University of Rome 2011 56-7.

¹⁶³ 'MDC ministers boycott cabinet meeting' The Zimbabwe Mail 29 June 2009 available at <<http://www.thezimbabwemail.com/zimbabwe/2782.html>> (accessed 5 October 2011).

¹⁶⁴ 'South Africa to engage Mugabe & Tsvangirai over latest spat' The Zimbabwean 13 October 2001 available at <<http://www.thezimbabwean.co.uk/news/34787/south-africa-to-engage-mugabe-a-tsvangirai-over-latest-spat.html>> (accessed on 31 August 2011).

¹⁶⁵ 'Zim deputy prime minister fights for survival' The Post Newspaper 17 May 2011 13; also available at <http://www.postzambia.com/post-read_article.php?articleId=20569> (accessed on 17/05/11).

¹⁶⁶ As above.

¹⁶⁷ GPA art 18(1)(a), art 20(1)(2)(f) & art 20(1)(3)(L).

¹⁶⁸ Chitiyo (n 134 above).

has a potential of making them to lack commitment to the cause of the GNU. External pressure on the GNU comes from SADC¹⁶⁹ and Western countries (EU, United Kingdom and the United States of America). The Western countries have not lifted the economic and targeted sanctions on Zimbabwe on the grounds that there is little adherence from the government to principles of good governance and commitment to human rights protection is still low.¹⁷⁰ This has weakened MDC's position in government and also weakens the GNU's chances of survival.¹⁷¹ MDC's leverage to the GPA was to help reconstruct the Zimbabwean economy and call for the lifting of the sanctions. With this not happening, ZANU-PF might see MDC as an irrelevant partner in the GNU and this can lead to the collapse of the power-sharing government.

Zimbabwe's GNU is seen by some writers like Chemheru as a 'forced marriage' and not a solution to the socio-political problems faced in the country.¹⁷² It is a coalition of the unwilling, with each of the three partners driven by need not want.¹⁷³ The study shows that the concept of power-sharing itself is not a problem in Zimbabwe but it was the manner in which it was implemented. It was forced on unwilling parties who were not convinced and committed to its success. The study further indicates that the problem with the Zimbabwean GNU is that the GPA left out an important feature of giving equal power to all the parties over government institutions through mutual veto in the Agreement, thereby subjecting MDC to the whims and caprices of ZANU-PF.

3.2 South Africa

3.2.1 Background of political parties in GNU

In 1948 an Afrikaner-based political party called the National Party (NP) led by Daniel Francois Malan came to power on 4 June. It initiated a number of laws which were meant to

¹⁶⁹ In a report to Organ Troika Summit (SADC/EOS/1/2011/3) presented on 31 March in Livingstone, President Jacob Zuma stated that 'there is a growing impatience within the Region as well as the world about the long period of time it is taking facilitation process to find a permanent and lasting solution to the challenges that face Zimbabwe.'

¹⁷⁰ GPA art 4(2).

¹⁷¹ Chitiyo (n 134 above).

¹⁷² Chemhuru (n 151 above)¹⁸²; see also 'Zimbabwe: Forced marriage' *The Journal* 23 February 2009 available at <<http://www.journal-online.co.uk/article/5483-zimbabwe-forced-marriage>> (accessed 4 October 2011).

¹⁷³ As above.

separate the races both socially and physically and ran as an apartheid government.¹⁷⁴ The Africa National Congress (ANC), a predominately black majority party and other political parties were banned from taking part in the political system of South Africa. They were considered illegal organization by the NP government. The apartheid laws were in place until mid 1989 when F.W de Klerk was elected the leader of NP and President of South Africa.¹⁷⁵ President de Klerk lifted the ban on most political parties and released leading ANC figures from prison, which included the release of Nelson Rolihlahla Mandela from prison in February 1990. This action by President de Klerk brought a wind of change to South Africa on the political front. Political parties organized themselves to participate in the future elections which were to allow the black majority to be part of the political system for the first time. De Klerk emphasised in February, 1990 that all citizens would have to join in shaping and sharing the national product, and made it clear that a majority rule would not be acceptable for the NP.¹⁷⁶

On the other hand the ANC seemed to have supported the majority rule through 'one man one vote' rule as it could be discerned from Mandela's speech when he stated *inter alia* that "universal suffrage in a united democratic and non-racial South Africa' was the only way 'to peace and racial harmony."¹⁷⁷ The NP was of the position that power-sharing was the only way to end the conflict and white domination.¹⁷⁸ The NP knew that 'one man one vote rule' would be the end of their party politically since they were the minority and the ANC had the majority support. The political parties, therefore, had to find a political solution which would take care of each party's interest and a power-sharing government was seen to be the most acceptable option for them.

¹⁷⁴ D Kadima 'Party coalitions in Post-Apartheid South Africa and their Impact on national Cohesion and Ideological Rapprochement' in Kadima (n 26 above) 48.

¹⁷⁵ 'South Africa Lifts Ban on ANC, Other Groups' Washington Post 3 February 1990 1 available at <http://www.washingtonpost.com/wp-srv/inatl/longterm/s_africa/stories/anc020390.htm> (accessed 31 August 2011).

¹⁷⁶ Horowitz (n 4 above)92.

¹⁷⁷ Horowitz n 4 above) 95-6.

¹⁷⁸ M Ottaway South Africa: the struggle for a new order (1993) 94.

3.2.2 Reasons for power-sharing

A study on South Africa indicated that certain positions between the blacks and the whites were non-negotiable.¹⁷⁹ The blacks wanted to have genuine political power when in government and the whites were against the 'winner-take-all form of majority rule' because the numbers were against them.¹⁸⁰ These two positions between the blacks and the whites were reconcilable and that the logical key for reconciling them was the compromise solution of power-sharing. An opinion poll conducted showed that a majority both sides were in favour of, or at least prepared to accept, some kind of power-sharing solution.¹⁸¹ The parties saw the right of every individual to speak out, to participate fully in government, and to share political power would be the best solution for everyone concerned.

In South Africa the whites had the economic advantage because they had most of the wealth while the blacks were the majority and would easily have the political power in majority rule type of democracy. The international economic sanctions imposed on South Africa due to the country's apartheid policies were jeopardising the wealth of the whites.¹⁸² The whites needed to include the blacks in government to have the economic sanctions lifted and maintain their wealth. The blacks also would have wanted the wealth possessed by the whites to run the country when in power. Thus, each group needed the other to run a successful country.

Even in power-sharing governments, groups would want their interest to be protected and their needs to be secure. The provisions of the Interim Constitution seemed to have achieved this purpose. The provisions were carefully constructed to allay fears and ensure securities that the parties felt necessary to protect their power and interests.¹⁸³ The greatest fear the whites from the NP had was that they would lose their property if they lost political power. The Interim Constitution provided that property rights were to be respected and where expropriation of resources would be necessary, it would be done at a fair market

¹⁷⁹ The study commission on U.S policy towards South Africa quoted in A Lijphart (n 15 above) 10.

¹⁸⁰ As above.

¹⁸¹ Lijphart (n 15 above)10.

¹⁸² M Traniello (n 105 above) 30.

¹⁸³ Traniello (n 105 above) 36.

value.¹⁸⁴ The ANC also was assured of reasonable political power by the Interim Constitution. The Interim Constitution made the political situation a win-win for all parties.

3.2.3 Institutional framework for the GNU

The institutional framework of the South African power-sharing government was provided for in the Interim Constitution. The Interim Constitution indicated how people could be elected into office at various levels of government and how they were to exercise their authority. This study would restrict itself to the institutional framework of power-sharing at national, provincial and local council levels.

The executive authority at national level was stated by the Interim Constitution to reside with the President who could exercise it with the help of cabinet.¹⁸⁵ Cabinet was to be composed of the president, executive deputy presidents and not more than 27 ministers appointed from among members of the National Assembly.¹⁸⁶ One minister who was not a member of the National Assembly was to be appointed by the president in consultation with the Deputy Presidents.¹⁸⁷ It is the election and appointment to these offices which reflect the nature of power-sharing government formation of 1994 in South Africa. The president was to be elected by the Members of the National Assembly among themselves at their first sitting when they convene after a national election.¹⁸⁸

Any political party which was going to have at least 80 seats in the National Assembly was entitled to have an executive Deputy President in government.¹⁸⁹ This is what led to de Klerk from NP and Thabo Mbeki from ANC to become executive Deputy Presidents in 1994. A political party which had at least 20 seats in the National Assembly which translated to a minimum of five per cent of the total votes cast was entitled to a ministerial position in government.¹⁹⁰ The Ministerial positions were to be proportionate to the number of seats held in the National assembly.¹⁹¹

¹⁸⁴ As above.

¹⁸⁵ Section 75 Interim Constitution.

¹⁸⁶ Section 88(1) Interim Constitution.

¹⁸⁷ Section 88(1)(b) Interim Constitution.

¹⁸⁸ Section 77(1)(a) Interim Constitution.

¹⁸⁹ Section 84(1) Interim Constitution.

¹⁹⁰ Section 88(2) Interim Constitution.

¹⁹¹ Section 88(2)(c) Interim Constitution.

The legislative authority at national level was vested in the National Assembly.¹⁹² Power-sharing was also reflected in this arm of government by the system of election. The political parties shared the seats in the National Assembly in proportion to the votes accumulated in the national election. This approach gave chance even to small political parties to become part of the legislature because the Interim Constitution did not provide for a threshold of becoming a member of the National Assembly.

The Interim Constitution also provided for limited executive and legislative powers to the provinces and to the local council authorities. The Interim Constitution provided for the division of South Africa into nine provinces and allowed for the division by law of the provinces into administrative local councils.¹⁹³ At provincial level the executive council headed by a premier performs the executive functions and the provincial legislative body performs the legislative function.¹⁹⁴ At council level, the executive and the legislative authority reside in the municipal council.¹⁹⁵ At both the provincial and council level, power-sharing among political parties was assured by the Interim Constitution through providing for election and appointment to these institutions by proportional representation.¹⁹⁶ The number of people in the executive and legislative body had to be reflective of the proportion of the votes received by a political party.

The interim constitution provided for a framework where power-sharing among political parties was possible in South Africa at all levels of government.

3.2.4 Assessment of the effect of the GNU on South Africa

The assessment of the success and failure of the government of power-sharing in South Africa would be based on analysing how it was provided for in the Interim Constitution. This would involve analysing whether the Interim Constitution provided for the elements and characteristics of a successful power-sharing government being considered under this study.

¹⁹² Section 37 Interim Constitution.

¹⁹³ Section 124 Interim Constitution; Section 174 Interim Constitution.

¹⁹⁴ Sections 125 & 144 Interim Constitution.

¹⁹⁵ Section 175 Interim Constitution.

¹⁹⁶ Sections 129 & 179 Interim Constitution.

The assessment also considers how informal rules and inclusive political practices by the different segmental groups contributed to the running of the GNU.

3.2.4.1 Success of the South African GNU

The success in the formation of South Africa's GNU was owed to the fact that they had an opportunity to study how institutions can function in a power-sharing type of government during its reviews of constitutional reforms.¹⁹⁷ The idea of power-sharing government was raised in all the surveys, opinion polls and constitution review exercises. Although the idea might not have been adopted there and then, it still gave people an opportunity to discuss it. Unlike the Zimbabwean GNU which was imposed on the parties, the idea for a GNU in South Africa came from the parties themselves.

The Interim Constitution contributed greatly to the success of the 1994 power-sharing government in South Africa. For instance, security wings are very cardinal to the success or failure of the GNU, the Interim Constitution provided for the integration of the former military wings of the political parties into the South African armed forces.¹⁹⁸ This helped bring out a common understanding and reduce mistrust among groups in the GNU because they felt represented in all institutions of government. This was not the case in the Zimbabwean GNU. Although MDC did not have its own military wing, the parties to the GPA agreed to transform the national military and the police in light with the new ideology of the power-sharing government and prioritised payments to the military.¹⁹⁹ Practically, it seems the MDC does not have the authority or power to compel the military to transform to accommodate the aspirations of the GNU, which is based on mutual decision-making.²⁰⁰ The security wings have continued to harass MDC members a sign that they have not accommodated the idea of power-sharing in Zimbabwe.

The other Contribution by the Interim Constitution to the success of the South African GNU was stated by Lijphart that its provisions contained all the basic four elements of having a

¹⁹⁷ Studies included: In 1986 and 1989 a opinion poll and a survey respectively were conducted on various possible future governments for South Africa cited in DL Horowitz (n 4 above) 101-3.

¹⁹⁸ Section 224(2) Interim Constitution.

¹⁹⁹ Chitiyo (n 134 above).

²⁰⁰ As above.

successful power-sharing.²⁰¹ For instance, the first element of having an executive grand coalition can be traced in the provision which stated that all parties with a minimum of five percent of seats in the National Assembly would be part of the power-sharing government by being part of cabinet.²⁰² The second element of group autonomy was granted to most segmental groups at provincial and local governments levels in most aspects of governance. For instance, the Interim Constitution allowed segmental groups to establish educational institutions based on common culture, language or religion provided such institutions were not discriminatory based on race.²⁰³ The third element of a power-sharing government, 'proportional representation' was the adopted mode of the electoral system in the Constitution. Election to the National Assembly, the provincial legislature and council local authority was based on proportionality.²⁰⁴ The proportional representation (PR) system also helped the Inkatha Freedom Party (IFP), who while a minority, were regionally strong to gain a regional majority in the Natal province and become part of the power-sharing government.²⁰⁵

The fourth element of mutual veto could be inferred from two instances. Firstly, the Interim Constitution provided that the adoption of the 1996 Constitution was supposed to be done by a body larger than a mere two-thirds majority in parliament. Secondly some fundamental principles in the constitution²⁰⁶ could not be infringed upon by two-thirds majority so as to give every citizen including minorities an opportunity to be heard before an amendment is made.²⁰⁷ This approach acted as a veto because every segmental group had to be heard before some of the rights were amended and also needed to have an input before the adoption of the 1996 Constitution.

Where inclusion of the elements of power-sharing mechanisms in an 'Agreement' creating a GNU is used as a bench mark for assessing a successful power-sharing government, then the South African GNU qualifies as one.

²⁰¹ Lijphart 'South African democracy: Majoritarian or consociational?' 5 *Democratization* (1998)146; see also A Lijphart (n 10 above) 25.

²⁰² As above.

²⁰³ Sect 23 Interim Constitution.

²⁰⁴ Sections 88(2), 129 & 179 Interim Constitution.

²⁰⁵ Traniello (n 105 above) 37.

²⁰⁶ Section 224 Interim Constitution.

²⁰⁷ Lijphart (n 200 above) 146.

To completely have a successful power-sharing government, the formal constitutional rules should be coupled by informal rules and practices by the segmental groups who are party to government.²⁰⁸ The South African power-sharing government also owes some of its success to these informal rules and practices which included committed leadership to the GNU and readiness to accommodate each other's views.

A committed leadership with a desire to have a GNU is a very important component of a power-sharing strategy, qualities which were present in leaders like Mandela and de Klerk. Unlike the former Rwandan president Habyarimana whose public speech showed lack of commitment to the power-sharing deal when he referred to the Arusha Accords as mere "pieces of paper"²⁰⁹ the South Africa leaders showed desired for a GNU. Leaders in South Africa used and still use phrases like 'rainbow nation', 'celebrating the differences' and 'united in its diversity.'²¹⁰ It can be inferred that this action by leaders helps segmental groups realise that South African is and will be diverse rather than homogenous thereby accepting solutions which serve such a society better.²¹¹

The ANC in its Charter did not provide how the political institutions where to protect the minorities from majority rule if it formed government.²¹² This, however, was not a sign that there were not willing to accommodate an all encompassing government. There was also evidence that most black leaders of other political parties had shown willingness to forgo the winner-take-all ideology to a unitary government.²¹³ Buthelezhi in October 1984 stated that he was ready to deviate from his 'cherished ideal' and called upon the blacks and whites "to recognise the necessity of moving away from government by racial domination."²¹⁴ The Progressive Federal Party's (PFP) also incorporated a grand coalition principle as a method of

²⁰⁸ Lijphart (n 10 above)187.

²⁰⁹ Habyarimana's speech in 1992 cited in Traniello (n 105 above) 39.

²¹⁰ Inauguration Speech by President Jacob Zuma 9 May 2009 he said 'Madiba healed our wounds and established the rainbow nation very firmly' available at <http://www.capegateway.gov.za/eng/your_gov/595/speeches/2009/may/180844> (accessed 1 October 2011).

²¹¹ As above.

²¹² Lijphart (n 15 above)22.

²¹³ As above.

²¹⁴ As above.

selecting the executive.²¹⁵ This indicates how political parties were ready and committed to a power-sharing system of government.

3.2.4.2 Failure of the GNU

The GNU in South Africa did not continue for more than a decade. Its failure is attributed to two things, firstly the withdrawal of the NP from the power-sharing government and secondly the 1996 Constitution which is believed to have discarded the idea of the GNU.²¹⁶ The withdrawal of NP from government made the GNU tilt to majoritarian model of governance. The final blow to any future success of any power-sharing government in South Africa was effected by the 1996 Constitution which promotes majority democracy and does not provide for power-sharing.²¹⁷ Michael Kelly Connors stated that the Interim Constitution contained merely 'quasi-consociational elements' which were not strong enough to sustain a power-sharing government for a long time.²¹⁸ According to Kadima the South African GNU was not voluntary but imposed on the parties by the Interim Constitution and that it was not a coalition but a cohabitation or 'even a forced marriage.'²¹⁹ This argument by Kadima has been rebutted by Yonattan Fessha when he concluded that the interim constitution was an agreed document by the parties in the GNU and he referred to it as the 'negotiated revolution.'²²⁰

3.3 Conclusion

This chapter has shown that the lessons to be drawn from the Zimbabwean and South African GNU include, that power-sharing requires strong, committed and influential leadership to be successful. The idea of having a GNU should come from the people themselves, the leaders and their constituents and should not be imposed on them. The four

²¹⁵ Lijphart (n 15 above) 67.

²¹⁶ Kadima (n 174 above) 29, 36.

²¹⁷ MK Connors 'The Eclipse of Consociationalism in South Africa's Democratic Transition' (1996) 3 *Democratization* 420-34.

²¹⁸ As above.

²¹⁹ Kadima (n 174 above) 26-7.

²²⁰ YT Fessha *Institutional Recognition and Accommodation of Ethnic Diversity: Federalism in South Africa and Ethiopia* (2010) 95; see also Fessha, YT 'Institutional Recognition and Accommodation of Ethnic Diversity: Federalism in South Africa and Ethiopia' unpublished PHD thesis, University of the Western Cape (2008) 213.

basic elements to have a power-sharing government should be present like it was provided for in the South African model. The Zimbabwean GNU only had two elements of power-sharing, 'proportional representation' and 'grand coalition executive' where ZANU-PF is perceived to be more powerful than the two MDC factions. To have a successful GNU, each party in government should be provided with safe guards against acts and omission by other partners aimed at harming its interest in government. Each partner should be in a position to stop or restrain the others in a GNU from acting against its interests and against common interests of government and the citizens. Balance of power is necessary to have a power-sharing government and not where one party feels they can do without the other or where they feel they will just be dominated by the other. A winner takes all desire is dangerous for power-sharing.²²¹

²²¹ Traniello (n 105 above) 40.

CHAPTER FOUR

Application of power-sharing mechanisms as a pre-emptive strategy to avoid conflict and Institutional design

4.0 Introduction

Power-sharing has been implemented in African countries as a conflict management tool and not as a preferred mode of democracy. The AU was of the view that power-sharing mechanisms (GNUs) would bring stability to countries like Burundi, Kenya, Rwanda, and Zimbabwe when these countries experienced conflict among the political parties. The introduction of power-sharing as a trend in Africa has always been done after a conflict has emerged among segmental groups in a concerned country. Other examples include: in Ivory Coast when the former president Laurent Gbagbo refused to leave office after losing an election, conflict ensued between his loyalists and those of the one who was declared winner, Alassane Quattara. The African union was quick to propose a power-sharing deal between the parties although the deal did not fall through. In Madagascar, after the sitting president was forcibly ousted from office in the April 2009, the AU through SADC has been having negotiations with the parties involved with the view of coming up with a power-sharing government.²²² This chapter discusses the possibility of using a power-sharing mechanism as a pre-emptive strategy to conflict prevention in Africa rather than the traditional approach of applying it as a remedial measure. It concludes by looking at how institutions and systems of government could be designed to make power-sharing effective.

4.1 Power-sharing as a pre-emptive measure to conflict in Africa

The significant role of power-sharing is to bring about national unity and national building and also help parties to harmonise their party ideologies and lessen the chances of differences and conflict.²²³ Power-sharing mechanisms could be implemented before a conflict arises. It is trite that most African societies are plural societies. There is no need to wait for a conflict to arise before every segment's interests are taken care off in the governance process through making them part of decision-making process. Pre-emptive

²²² 'SADC Mediators Propose 'Roadmap' for Madagascar Crisis' Voice of America February 4 2011 available at <<http://www.voanews.com/english/news/africa/east/SADC-Mediators-Propose-Roadmap-For-Madagascar-Crisis--115284294.html>> (accessed on 10 October 2011).

²²³ Kadima (n 26 above)233.

measures to avoid segmental conflict were implemented in the South African government of 1994 and are being implemented in the Mauritian governance system.

The Interim Constitution in South Africa provided for a power-sharing mechanism. All political parties who were to reach a five per cent threshold of the votes were to be part of government.²²⁴ This provision in the South African Interim Constitution worked in the formation of an inclusive government which included all major political parties. Although the NP later withdrew from government, they were at least given room to participate in the governance process and were not barred from government by the electoral system on any other institution. They willingly chose not to continue in government. A pre-emptive strategy to conflict should also provide for flexibility for political parties to decide their own political destiny.

In Mauritius, the Constitution in section 5(1) of the First Schedule provides that

“in order to ensure a fair and adequate representation of each community, there shall be 8 seats in the National Assembly... which shall so far as possible be allocated to persons belonging to parties who have stood as candidates for election as member at the general election but have not returned as members to represent constituencies.”²²⁵

This system of reserving 8 seats is referred to as the ‘best loser system’ which was introduced in Mauritius before Independence in 1958.²²⁶ This was after a sociological survey reviewed that some minorities might never be represented in the National assembly if the First-Past-The-Post (FPTP) electoral system was followed strictly.²²⁷ Although the ‘best loser system’ might need some reform, so far it has worked as an inclusive formula of minorities in Mauritius and has served as a measure to avoid conflict arising from the sense of exclusion.

²²⁴ Section 88(2) Interim Constitution.

²²⁵ Section 5(1) of the First Schedule of the Constitution of Mauritius.

²²⁶ R Mathur *The best loser system: communal politics of the 50s and 60s available at* <<http://news.kotzot.com/the-best-loser-system-communal-politics-of-the-50s-and-60s/>> (accessed 12 October 2011).

²²⁷ As above.

A country's political system can also encourage parties to come together before elections like in the Mauritian system.²²⁸ Experience has shown that Pre-election alliances stand a better chance of lasting than post-election alliances and there are lesser chances of having conflict among the parties.²²⁹ Providing each partner with incentives like powerful jobs, proportional resource allocation and real power of being part of the decision-making process promotes cohesion in a power-sharing government.²³⁰ Each party to a GNU should have a reason to feel included by having reasonable positions in government.

4.2 Institutional design

Not every segmental group can be part of the governance system and participate in decision-making. There is need, however, to design institutions of government and systems in a manner which is as inclusive as possible. This will make the most significant segments in a society to become part of the decision-making process in government. All the three arms of government, the executive, the judiciary and the legislature should have mechanisms on how to include members of all segments in these institutions. In this way, the whole system of government contributes to the inclusion process.

The type of democracy practiced by any particular country has an effect on how inclusive the systems and institutions of government are. To make the institutions and the system of government more inclusive, the electoral process and a country's constitution and laws have to be tailored towards achieving this purpose. Since most African countries are plural societies, replacing majoritarian democracy with consociational democracy would be a better option to have successful inclusive power-sharing governments. Ramose, however, argues that it is not an easy task for Africa to abandon the ideals and principles of liberal democracy and engage in a paradigm shift by encompassing a new mode of democracy.²³¹ The option then would be to design the available types of democracies and make them as accommodating as possible to all segmental groups.

²²⁸ Section 2(1) of the First Schedule to the Constitution of Mauritius provides for registration of political alliances prior to an election.

²²⁹ Kadima (n 174 above) 69.

²³⁰ As above.

²³¹ M Chemhuru (n 151 above)181.

4.2.1 Designs for democracy

Any type of democracy has a direct impact on the formation, survival and effectiveness of the government of power-sharing.²³² The most used system of government in Africa is either the presidential system where the head of state is elected by the electorate directly or the parliamentary system where the head of state is selected by members of parliament amongst themselves.

A parliamentary system is more accommodating to the elements of power-sharing than the presidential system.²³³ In a parliamentary system, real power to run government rests in the members of parliament because they can implement a vote of no confidence in the executive and remove them from office. Parliaments usually are more representative of most segmental groups in a society. This makes the parliamentary system a better option for power-sharing government mechanisms. In a presidential system, power is concentrated in one individual and thereby making it difficult to implement power-sharing by the segments. In countries with deep cleavages and fragmented party systems, a presidential system is an unsuitable type of democracy.²³⁴

Another disadvantage for a presidential system is that, parties may depend on others prior to an election to have their leader elected as president but once elected the president may start ruling using the constitutional prerogatives and not the informal alliance agreements between the political parties.²³⁵ For instance, then President Mandela castigated the South African Communist Party (SAPC) one of the partners of the ruling party ANC for ridiculing government programmes and told the party openly 'to toe the ANC line or get out of the Tripartite Alliance.'²³⁶ In a presidential system, the partners to the power-sharing government have no power to recall the president who stops representing their interests once elected. SAPC had no mechanism of enforcing their will against the ANC and had either to accept to toe the ANC line or leave the coalition.

²³² Kadima (n 26 above) 224. .

²³³ Lijphart (n 10 above)33.

²³⁴ D Brautigam 'The "Mauritius Miracle": Democracy, Institutions, and Economic Policy' in Joseph (n 3 above) 145.

²³⁵ Kadima (n 26 above) 224.

²³⁶ 'SA Communist Party at the Crossroads' Sunday times 27 November 2005 quoted in Kadima (n 26 above) 19.

Some writers like Lijphart have argued that although parliamentary system is more preferable for power-sharing mode of government, it does not write off the presidential system from the process.²³⁷ A presidential system can be tailored in at least two ways to accommodate a power-sharing sharing mode of governance. Firstly, there can be an understanding among the segments that the presidency can be rotational among them.²³⁸ Secondly, the power of presidency could be spread to other positions like Prime Minister and Deputy Prime Minister like it is the case in the Zimbabwean GNU.²³⁹ This approach makes segmental groups share the different positions and contribute to the decision-making process.

4.2.2 Choosing and designing an electoral system

An electoral system helps societies to choose leaders who will govern them and can assist in designing institutions which are all encompassing.²⁴⁰ Horowitz argues that “the electoral system is by far the most powerful lever of constitutional engineering for accommodation and harmony in severely divided societies.”²⁴¹ Each electoral system has its own advantages and disadvantages, the onus remains on a particular society to understand its population composition and choose a system which can serve them better. It is important that the best electoral system is adopted because practically there are very few countries, if any, which have swung completely from the system they adopted earlier to a new one.²⁴² In Africa, most countries did not have a chance to participate in the adoption of their electoral system when they gained independence from colonial rule but just adopted those left by the colonizers. The most used electoral systems in Africa are FPTP and PR.

FPTP refers to plurality elections where a candidate who receives the largest number of votes is elected, even if that number of votes is less that a majority of the total votes cast.²⁴³

²³⁷ Lijphart (n 10 above)33.

²³⁸ As above.

²³⁹ Lijphart (n 10 above)34.

²⁴⁰ Horowitz(n 4 above)139.

²⁴¹ Horowitz (n 4 above) 163.

²⁴² D Nohlen ‘Changes and Choices in Electoral Systems’ in A Lijphart & B Grofman (eds) *Choosing an Electoral System: Issues and Alternatives* (1984) 218.

²⁴³ Horowitz (n 4 above) 166.

PR refers to a variety of electoral systems designed to insure that the parties receive approximately the same percentage of the total number of seats as the percentage of total number of votes received.²⁴⁴ In this study, PR will be limited to the party list system. The electoral system which is preferable for power-sharing mechanisms because it has high chances of being inclusive is PR and not FPTP.²⁴⁵ From the power-sharing democracy perspective, PR does not only have the advantage of yielding proportional results and permitting minority representation, but it allows the segments to define themselves.²⁴⁶ PR also has an element of encouraging segmental groups to form their own parties if they wish.²⁴⁷ One of the known dangers of PR is that it has the potential of making extremists find their way into government.²⁴⁸ PR also does not deny the majority segmental groups who organize themselves into political parties from getting majority seats.²⁴⁹ The test of a good electoral system is not on how many seats political parties can win but is on how the winner of most seats treats other political parties and the electorate.²⁵⁰

Some scholars who include Richard Rose and William Riker argue that the type of electoral system is not very important when it comes to formation and composition of government but what is important is constitutional restraints on the leaders from abusing their authority.²⁵¹ They further argue that the choice of an electoral system is just partisan and ideological and not based on any scientific understanding of the systems.²⁵² To them a society can choose any electoral system it wants but should just make sure that the constitution of such a society includes the protection of interests of all segmental groups.²⁵³

One of the factors, nonetheless, which can influence the choice of an electoral system in a particular society, is the anticipated function of the elected members.²⁵⁴ PR would be

²⁴⁴ A Lijphart & B Grofman 'Choosing an Electoral System' in Lijphart & Grofman (n 242 above)5.

²⁴⁵ Lijphart (n 10 above)52.

²⁴⁶ Horowitz (n 4 above) 168.

²⁴⁷ Horowitz (n 4 above) 169.

²⁴⁸ M Duverger 'Which is the Best Electoral System' in Lijphart & Grofman (n 242 above) 23.

²⁴⁹ Horowitz (n 4 above) 169.

²⁵⁰ Horowitz(n 4 above) 165.

²⁵¹ R Rose 'A Question of Degree or of Principle' & WH Riker 'Electoral Systems and Constitutional Restraints' in Lijphart & Grofman (n 242 above) 8 &110.

²⁵² WH Riker 'Electoral Systems and Constitutional Restraints' in Lijphart & Grofman (n 242 above) 107.

²⁵³ Rose (n252 above) 8.

²⁵⁴ Duverger (n 248 above)36.

preferred if the elected members are to be part of a decision-making body which should include the interests of all segmental groups. For a government which wants to be strong and stable without distraction from extremists, a plural (FPTP) would be the best system.²⁵⁵ The author agrees with Duverger when he stated that “the choice of a particular type of electoral system depends on the society that has to use it, on the nature of its institutions and on the relationships among political forces.”²⁵⁶

4.2.3 Constitutional design

To have a successful GNU, there is need for formal rules of a consociational constitution on how to run a power-sharing government efficiently and responsively as possible.²⁵⁷ A constitution being a supreme law in countries with written constitutions, it is cardinal that it includes the design of how power would be shared among segmental groups. It should also be designed in a manner which moderates segmental tension while focusing on how government will have capacity to effect social change in a society.²⁵⁸ Firstly, the constitution and other electoral laws could state how a segment could be part of government.

The constitution, however, should not define the segmental groups but should state how a segmental group could earn itself recognition.²⁵⁹ For instance, the South African Interim Constitution provided that any political party which would have a minimum of five per cent of the votes in the national election would have a seat in cabinet.²⁶⁰ Such a provision in a constitution leaves it open for any group to organize themselves using whatever identity they deem fit to come together. The only catch is that the segmental group should be in a position to garner the minimum number of votes to entitle them a seat in cabinet. Through participations of everyone in the constitution making process, each country can decide depending on the circumstances and the anticipated number of groups what the minimum number of votes a particular party should accumulate before it is made part of government. The minimum percentage should be reasonable enough to include serious groups to

²⁵⁵ As above.

²⁵⁶ As above.

²⁵⁷ Lijphart(n 15 above) 134.

²⁵⁸ Horowitz(n 4 above) 204.

²⁵⁹ A Lijphart ‘Trying to Have The Best of Both Worlds: Semi Proportional and Mixed Systems’ in Lijphart & Grofman (n 242 above) 211.

²⁶⁰ Section 88(2) Interim Constitution.

participate in government and also high enough to exclude 'jokers' who may unnecessarily cause a bloated government.

This minimum percentage requirement in a constitution design has at least two benefits. Firstly, the constitution does not seem to limit or identify which segments should exist in a society but leaves it to the social factors to determine.²⁶¹ Secondly, the constitution makes sure that minor segmental groups which may include extremists who cannot even manage the minimum percentage provided for are excluded from becoming detractors in government.²⁶² Smaller groups that cannot manage the minimum percentage to become part of government can align themselves with other groups where other identities overlap. This approach also helps segmental groups to abandon irrelevant identities and focus on major ones which they share with other groups. The chances of having a stable democracy are high when people's identities are crossing cutting.²⁶³

The second constitution design move is to include the elements of power-sharing stated in chapters one and three of this dissertation, more so, segmental autonomy. A constitution designed with all the elements of power-sharing like the South African Interim Constitution, contributes to having a stable country and could prevent conflict.²⁶⁴ One of the best systems design is to accommodate as many segments as possible through decentralisation of the government processes which should include resource allocation.²⁶⁵

Another important third element to include in the systems design is that the Constitutional or any electoral law should provide for term limits and a method of selecting the leaders through a process of regular succession.²⁶⁶ The political parties should have the means of how to replace leaders to represent them especially in the legislative arm of government and other political appointees when their term expires to avoid perpetual ruler-ship by the same individuals.

²⁶¹ FA Hermes 'Representation and Proportional Representation' in Lijphart & Grofman (n 242 above) 20.

²⁶² Hermes (n 261 above) 21.

²⁶³ Lijphart (n 10 above)101-2.

²⁶⁴ Traniello (n 105 above) 29.

²⁶⁵ Fessha (n 220 above) 32.

²⁶⁶ Riker (n 252 above) 107.

Constitutional design which reflects the elements and characteristics of power-sharing is good for the implementation of this form of government but it is not enough.²⁶⁷ The formal rules provided for by law are inadequate to address all the needs of a power-sharing government. As a fourth institutional design step, the formal constitutional rules should be coupled by informal rules and practices like commitment of the segmental leaders to seeing the government work.²⁶⁸ For instance, Nigeria has addressed this requirement in two ways, by including the formal rules in the Constitution and also making the informal rules part of the political practice by the political parties. The 1999 Nigerian Constitution provides for what is called the 'Federal Principle,' article 14(3) provides that:

"The composition of the government of the Federation or any of its agencies and the conduct of its affairs shall be carried out in such a manner as to reflect the Federal Character of Nigeria and the need to promote national unity and all to command national loyalty thereby ensuring that there is no pre-dominant of persons from few states or from a few ethnic or other sectional groups in that government or any of its agencies."²⁶⁹

For the informal rules enhanced by political practice, the country has been divided into six Geo-political zones, which are north-west, north-east, north-central, south-west, south-east and south-south. Political parties must reflect the federal character of the country in order to qualify for registration.²⁷⁰ To implement the 'Federal Principle,' political parties need to adopt what is called 'rotation and zoning.' 'Rotation' refers to a practice where every major government position must rotate among the six geopolitical zones and 'Zoning' refers to having major government positions being occupied by people from different geopolitical zones at any given time. Although 'Rotation and Zoning' are not legal requirements, the practice is strong in Nigeria and the ruling party the People's Democratic Party (PDP) has included these principles in its party Constitution. Article 7(2)(C) of the Party's Constitution provides that:

²⁶⁷ Lijphart(n 10 above)187.

²⁶⁸ As above.

²⁶⁹ Chapter 1 art 14(3) Constitution of the Federal Republic of Nigeria 1999 available at <<http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm>> (accessed 13 October 2011).

²⁷⁰ RL Sklar 'Democracy in Africa'(1983) 26 *African Studies Review* 18.

“In pursuance of the principle of equity, justice and fairness, the party shall adhere to the policy of rotation and zoning of party and public elective offices and it shall be enforced by the appropriate executive committee at all levels”²⁷¹

4.3 Conclusion

The study has established that in Africa power-sharing has been used mostly after conflict to bring stability when actually the concept can be used as a pre-emptive strategy to avoid conflict. This chapter has shown that to overcome most of the challenges in implementing power-sharing mechanisms in most African countries, there is need for institutions and systems of governments to be redesigned to accommodate the elements of power-sharing. Having the right type of democracy, an appropriate electoral system and a responsive constitution in a society have been found to be the key to a successful power-sharing regime. Informal political practices which encouraged the spirit of cohesion and co-existence among segmental groups like the example of the ‘zoning’ and ‘rotation’ in Nigeria have been established in this chapter as being cardinal to the survival of power-sharing mechanisms.

²⁷¹ PDP Constitution art 7(2)(c) available at <<http://www.peoplesdemocraticparty.net/>> (accessed 13 October 2011).

CHAPTER FIVE

Conclusions and Recommendations

5.0 Introduction

This chapter shows that the study has inquired into whether power-sharing government mechanisms are a solution or an obstacle to democratisation in Africa. It further shows that the following questions have been addressed by the inquiry: (1) is power-sharing a concept of democracy and what is its effect on democracy and democratisation? (2) after an appraisal of GNUs in Zimbabwe and South Africa, the question addressed is whether power-sharing has been properly implemented in Africa or whether there is something which can be done differently? (3) Can power-sharing be used as a pre-emptive strategy against political instability in Africa? This chapter also shows that the dissertation has indicated that institutions and systems of government can be designed in a manner that is accommodative to power-sharing mechanisms. Where there is need for reform and further action, this chapter has made some recommendations to that effect.

5.1 Conclusions

This study has shown that there is no agreed definition of democracy and limited itself to one which states that it is 'a government by the people and for the people.' In any particular society, people can agree on how they want to govern and to be governed and can choose whichever system they want. Where power-sharing is the mode of governance agreed upon by society then it falls within the ambit of democratic governance. It has been established in the study that democracy is more successful in countries where the type of democracy adopted marches with the traditions, culture and values of that particular society. Power-sharing on this premise qualifies to be the best suited model for most African societies because its significant characteristic of making decisions by consensus is deeply rooted in many African traditions and culture. Archaeological evidence shows that pre-colonial Africa has always used consensual approach for decision-making on issues that affect the whole society.²⁷² Every segmental group participated in arriving at decisions which affected them and were of interest to that particular segment.

²⁷² K Bello 'Resurgence of Democracy and Its Impact on Governance on Africa' (2011) 2 *Journal of Arts, Science & Commerce* 52.

Power-sharing mechanisms are neither a failure of democracy nor are they a conspiracy of the elite against the electorate but are part of democracy and help in its advancement when implemented properly. Power-sharing cannot, therefore, be an obstacle but a solution to democratisation in Africa because it is a democratic concept. Looking at power-sharing as a failure of democracy is comparing it to other modes of democracy which have different characteristics. There is nothing wrong with the concept of power-sharing as a mode of governance in Africa. The problem attributed to the failure of power-sharing mechanisms in Africa is not whether the concept is democratic or not but it is the manner in which they are implemented which is faulty. For instance, the GPA creating the GNU in Zimbabwe included only two elements of power-sharing, which are 'executive grand coalition' and 'proportional representation' and left out the other two discussed in chapter three. It is such omissions which have made the GNU in Zimbabwe to fail to function effectively because it is not a complete mode of a power-sharing mechanism.

The other problem with the implementation of GNUs in Africa is that they are usually imposed on the parties by external influence like AU and other sub-regional bodies like SADC. This denies the GNU a chance of having committed leadership to implement government programmes because parties tend not to be initiators of the mode of government. To have a successful power-sharing government, the idea to form and implement it needs to come from the society affected like it was done in South Africa in 1994 government formation. Apart from lacking committed leaders, this dissertation has also shown that most GNU in Africa lack internal dispute resolution mechanisms among the parties in government and rely on external mediation on every issue which parties disagree. Where internal dispute resolution mechanisms exist like the Zimbabwean GPA,²⁷³ the parties do not use them. This slows down the process of decision-making in government and erodes the trust among the parties.

It has been discerned in the study that a power-sharing mechanism can be used as a pre-emptive strategy to avoid conflict in a plural society. The approach adopted in Africa is that power-sharing is implemented as a transitional conflict management tool. This approach has contributed heavily to the failure of this mode of governance. Most segmental cleavages are permanent and therefore need a permanent solution to avoid conflict from recurring when

²⁷³ GPA art 18(5)(a).

the societies return to majoritarian democracy. Power-sharing being a valid concept of democracy has been found that it can be made into a permanent mode of governance in most plural societies in Africa. Mauritius has implemented some elements of power-sharing by making most institutions and the legislature inclusive to all the segmental groups in the country. This has contributed to the stability of the political environment in Mauritius.

In South Africa a power-sharing mechanism was used as pre-emptive strategy to avoid conflict in 1994 transition from apartheid regime to an all inclusive democratic regime. Although, the GNU did not last for a long time in South Africa, it contributed to stability and gave a chance to most segmental groups to work together for the common good of the country. This study indicates that a power-sharing mechanism does not purport to form a government which does not face problems and challenges but that it creates room for everyone to be heard within the decision-making process. This method increases the chances of finding solutions to problems faced by various segmental groups without resorting to violence and conflict.

Re-designing of government institutions and systems has been found in this study to be the most desirable way of making power-sharing mechanisms successful in plural societies in Africa. The type of democracy, the electoral system, the constitution and other laws of a society play a role in implementing power-sharing mechanisms. They should be designed in a manner which makes them accommodative to the elements of power-sharing. Since the plurality of most countries in Africa is different, it is not possible to design a system which fits all of them. The institutional design should just include the elements and characteristics discussed in chapters one, two and three, regardless of the framework of implementation. Specific and detailed instructions on how to design institutions and systems of power-sharing can only be given to a specific plural society depending on the individual characteristics of such a society.²⁷⁴

The study concluded by stating that institutional and systems design is not sufficient but should be coupled with informal rules like committed leadership, inclusive practices from political parties and incentives tied to implementation of power-sharing for the segmental leaders.

²⁷⁴ Lijphart (n 10 above) 224.

5.2 Recommendations

The study has discussed that power-sharing mechanisms are democratic and that there is nothing to be ashamed of by countries who intend or who have taken this route as a mode of governance. A successful GNU should include an element of balance of power between parties and how each segment can protect itself from the other groups who intend to act against its interests in the government. This can be achieved by including a mutual veto for each segment on critical issues. Unlike the Zimbabwean GNU which left out some cardinal elements of power-sharing, it is recommended that all future GNUs in Africa should include all the four elements of power-sharing discussed in chapters one and three.

The study has also established that it is a flawed approach to think that liberal democratic principles are the answer to Africa in general and particularly Zimbabwe's socio-political problems.²⁷⁵ It is recommended that a power-sharing mechanisms as a model of governance should be a permanent solution rather than a transitional period to another liberal democracy model in Zimbabwe and other Africa Countries. This would help parties in the GNU to stabilise and concentrate on working towards making government succeed rather than when they feel that the GNU is temporal and they have to mobilise themselves to win the coming election.

Another recommendation is that as a temporal measure, the GPA in Zimbabwe should be redrafted to include the two elements of power-sharing which were omitted. The permanent solution would include redesigning the Constitution and other institutions of government to make a power-sharing mechanism the permanent mode of democracy in Zimbabwe. This recommendation is reinforced by Chemhuru's argument that "if Zimbabwe is to escape its current socio-political and economic problems, there is need to revisit traditional Zimbabwean and African systems of governance like...consensual democracy."²⁷⁶

It is further recommended that Africa countries, most of them being plural societies, should adopt power-sharing government mechanisms as a pre-emptive strategy to minimise conflict caused by politics of exclusion. This approach helped stabilise the 1994 government formation in South Africa and has played a role in minimising political tension and conflict in Mauritius and in post 1999 Nigeria.

²⁷⁵ Chemhuru (n 151 above)182.

²⁷⁶ Chemhuru (n 151 above)181.

The African Charter on Democracy, Elections and Governance (2007) and the Declaration on the Principles Governing Democratic Elections in Africa (2002) provide for elements of liberal democracy and do not include other modes of democracy like consociational democracy. For instance, the African Charter on Democracy, Elections and Governance provides for the promotion of a democratic change of government.²⁷⁷ Alternation in government is a majoritarian characteristic of democracy and is not a reflection of a power-sharing model of democracy. These legal instruments act as a guide for a standard of democracy to be adhered to by the African countries party to the African Charter on Human and peoples' Rights (ACHPR).

It is recommended that the two documents should be amended and redesigned to reflect characteristics and elements of power-sharing, a mode of democracy which has African traditions and values of consensus in the decision-making process. The AU through its organ the Pan-African Parliament (PAP) could then in the short term promote the amended democratic principles which reflect power-sharing mechanisms. PAP was formed with a vision to provide the people on the African continent a platform to participate in decision making on the problems and challenges they face.²⁷⁸ Thus, it is within PAP's mandate to advance this mode of governance so that it can be adopted by African countries.

In the long term, when PAP assumes its legislative function as stated in the Protocol establishing it,²⁷⁹ should help African countries through designing legal instruments which mirror the elements and characteristics of power-sharing. It is further recommended that AU should advance power-sharing mechanisms as a mode of governance using its objective of promoting democratic principles and institutions to enhance popular participation and good governance.²⁸⁰ The AU should not restrict itself to viewing power-sharing mechanisms as a remedial strategy to resolve a conflict as it has done in the past.

²⁷⁷ African Charter on Democracy, Elections and Governance art 2(3).

²⁷⁸ Preamble to the Protocol on the Pan Africa Parliament (2001/2003)

²⁷⁹ Protocol to the Treaty Establishing the African Economic Community relating to the Pan-African Parliament (2001/2003) art 2(3).

²⁸⁰ Constitutive Act of the AU art 3(9).

The study suggests that liberal democracy should be replaced by consociational mode of democracy in Africa to bring stability and avoid conflicts caused by politics of exclusion. Although liberal democracy was bequeathed by the colonizers, it has been discussed that Africans abhor the zero-sum approach of winner-take-all which it advances. Africa has a chance to decide its destiny by adopting a mode of governance like power-sharing which advances its values. Ramose argued that a total replacement of democratic systems might not be an easy task for African countries.²⁸¹ Evidence has shown that once a country adopts a type of democracy and an electoral system, it would rarely abandon them completely for a new system. The solution would be for the countries to realign their existing institutions, systems and laws to make them reflect elements and characteristics of power-sharing. The systems should also encourage informal practices which encourage compromise and accommodation of each other.

It is recommended that countries that practice majoritarian democracy strictly and have political systems that are not inclusive of minority segment groups should adopt the Nigerian approach of formal and informal political practices discussed in chapter four. Nigeria supports inclusive politics of power-sharing among different segmental groups through its Constitution and through informal political practices like 'zoning' and 'rotation.'

Word count 17 723 (Excluding Cover page, Acknowledgments, Dedication, Table of contents, List of abbreviations, footnotes and Bibliography)

²⁸¹ Chemhuru (n 151 above)181.

BIBLIOGRAPHY

BOOKS

- Akram-Lodhi, AH; Borrás Jr, SM & Kay, C (2007) *Land, poverty and livelihoods in an era of globalization: perspectives from developing and transition countries* London: Routledge Books
- Barker, E (1958) *The politics of Aristotle* Oxford: Oxford University Press
- Budge, I & Keman, H (1990) *Parties and Democracy: Coalition Formation and Government Functioning in Twenty States* New York: Oxford University Press
- Eckstein, H (1966) *Division and Cohesion in Democracy: A Study of Norway* Princeton, NJ: Princeton University Press
- Fessha, YT (2010) *Institutional Recognition and Accommodation of Ethnic Diversity: Federalism in South Africa and Ethiopia* Engelska: Ashgate Publishing
- Fukuyama, F (2006) *The End of History and the Last Man* New York: Free Press
- Furnivall, JS (1948) *Colonial Policy and Practice: A Comparative Study of Burma and Netherlands India* New York: New York University Press
- Heyns, C & Stefisyn (eds) (2006) *Human Rights, Peace and Justice in Africa: A reader* Pretoria: Pretoria University Law Press
- Horowitz, DL (1991) *A Democratic South Africa? Constitutional Engineering in a Divided Society* Berkeley: University of California Press
- Horowitz, DL (1985) *Ethnic Groups in Conflict* Berkeley: University of California Press
- Huntington, SP (1991) *The Third Wave: Democratization in the Late Twentieth Century* Norman: University of Oklahoma Press
- Huntington, SP (1968) *Political Order in Changing Societies* New Haven: Yale University Press
- Jennings, WI (1963) *Democracy in Africa* Cambridge: University Press
- Lewis, A (1965) *Politics in West Africa* London: G Allen & Unwin
- Lijphart, A (2008) *Thinking about democracy: power-sharing and majority rule in theory and practice* New York: Routledge
- Lijphart, A (1999) *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries* New Haven: Yale University Press
- Lijphart, A (1985) *Power-Sharing in South Africa* Berkeley: Institute of International Studies University of California
- Lijphart, A (1977) *Democracy in Plural Societies: A Comparative Exploration* New Haven: Yale University Press

Reilly, B & Reynolds, A (1999) *Electoral systems and conflict management in divided societies* Washington D.C: National Academy Press

Ottaway, M (1993) *South Africa: the struggle for a new order* Washington, DC: Brookings Institution Press

Rothchild, D (1997) *Managing Ethnic Conflict in Africa* Washington, DC: Brookings Institute Press

Sisk, T (1996) *Power-sharing and International Mediation in Ethnic Conflicts* Washington, DC: Carnegie Corporation of New York

CHAPTERS IN BOOKS

Bieber, F 'Power-Sharing After Yugoslavia: Functionality and Dysfunctionality of Power-Sharing Institutions in Post-War Bosnia, Macedonia, and Kosovo,' in N Sid (ed) (2005) *From Power-Sharing to Democracy: Post-Conflict Institutions in Ethnically Divided Societies* Montreal: McGill-Queen's University Press.

Bratton M & Posner DN 'A First Look at Second Elections in Africa with Illustrations from Zambia' in R Joseph (ed) (1999) *State, Conflict, and Democracy in Africa* Boulder: Lynne Rienner Publishers, Inc.

Brautigam, D 'The "Mauritius Miracle": Democracy, Institutions, and Economic Policy' in R Joseph (ed) (1999) *State, Conflict, and Democracy in Africa* Boulder: Lynne Rienner Publishers, Inc.

Duverger, M 'Which is the Best Electoral System' in A Lijphart & B Grofman (eds) (1984) *Choosing an Electoral System: Issues and Alternatives* New York: Praeger Publishers

Hermes, FA 'Representation and Proportional Representation' in A Lijphart & B Grofman (eds) (1984) *Choosing an Electoral System: Issues and Alternatives* New York: Praeger Publishers

Kadima, D & R Kasenally 'The Formation, Collapse and Revival of Political Party Coalitions in Mauritius: Ethnic Logic and Calculation at Play' in D Kadima (ed) (2006) *The Politics of Party Coalitions in Africa* Houghton: Konrad-Adenauer-Stiftung

Kadima, D 'Party Coalitions in Post-Apartheid South Africa and their Impact on National Cohesion and Ideological Rapprochement' in Denis Kadima (ed) (2006) *The Politics of Party Coalitions in Africa* Houghton: Konrad-Adenauer-Stiftung

Kadima, D 'African Party Alliances: Comparisons, Conclusions and Lessons' in Denis Kadima (ed) (2006) *The Politics of Party Coalitions in Africa* Houghton: Konrad-Adenauer-Stiftung

Lijphart, A 'Trying to Have the Best of Both Worlds: Semi Proportional and Mixed Systems' in A Lijphart & B Grofman (eds) (1984) *Choosing an Electoral System: Issues and Alternatives* New York: Praeger Publishers

Lumumba-Kasongo, T 'The Problematics of Liberal Democracy and democratic process: Lessons for deconstructing and building Africa democracies' in T Lumumba-Kasongo (ed) (2005) *Liberal Democracy and its Critics in Africa: political Dysfunction and the struggle for Social progress* Pretoria: University of South Africa Press

Nohlen, D 'Changes and Choices in Electoral Systems' in A Lijphart & B Grofman (eds) (1984) *Choosing an Electoral System: Issues and Alternatives* New York: Praeger Publishers

Olukosh, A 'State, Conflict and Democracy in Africa: The Complex Process of Renewal' in R Joseph (ed) (1999) *State, Conflict, and Democracy in Africa* Boulder: Lynne Rienner Publishers, Inc.

Ottaway, M 'Ethnic Politics in Africa: Change and Continuity' in R Joseph (ed) (1999) *State, Conflict, and Democracy in Africa* Boulder: Lynne Rienner Publishers, Inc.

Pye, LW 'The Legitimacy Crisis' in L Binder, Coleman, JS, LaPalombara, J, Pye, LW, S. Verba and M. Weiner (eds) (1971) *crises and Sequences in political Development* Princeton: Princeton University Press

Riker, WH 'Electoral Systems and Constitutional Restraints' in A Lijphart & B Grofman (eds) (1984) *Choosing an Electoral System: Issues and Alternatives* New York: Praeger Publishers

Rose, R 'A Question of Degree or of Principle' in A Lijphart & B Grofman (eds) (1984) *Choosing an Electoral System: Issues and Alternatives* New York: Praeger Publishers

Rothschild, D and P. G. Roeder, "Power-sharing as an impediment to Peace and Democracy," in D Rothschild and P. G. Roeder (eds) (2005) *Sustainable Peace: Power and Democracy after Civil Wars* Ithaca: Cornell University Press

Rothchild, D 'Ethnic Insecurity, Peace Agreements, and State Building' in R Joseph (ed) (1999) *State, Conflict, and Democracy in Africa* Boulder: Lynne Rienner Publishers, Inc.

JOURNALS ARTICLES

Ambeya-Uva, T 'identity Politics and the Jos crisis: Evidence, lessons and challenges of good governance (2011) 67 *World Fortunes* 58.

Andeweg, R 'Consociational Democracy,' (2000) 3 *Annual Review of Political Science* 515

Bello, K 'Resurgence of Democracy and Its Impact on Governance on Africa' (2011)2 *Journal of Arts, Science & Commerce* 52.

Chemhuru, M 'Democracy and the Paradox of Zimbabwe: Lessons from Traditional Systems of Governance' (2010) 3 *The Journal of Pan African Studies* 181.

- Connors, MK 'The Eclipse of Consociationalism in South Africa's Democratic Transition', (1996) 3 *Democratization* 420
- Lijphart, A 'South African democracy: Majoritarian or consociational?' (1998) 5 *Democratization* 144
- Owusu, M 'Democracy and Africa a View from the Village' (1992) 30, 3 *The Journal of Modern African Studies* 370
- Sklar RL 'Democracy in Africa' (1983) 26 *African Studies Review* 11
- Spears, IS 'Understanding inclusive peace agreements in Africa: the problems of sharing power' (2000) 21 *Third World Quarterly* 105
- Traniello, M 'Power-Sharing: Lessons from South Africa and Rwanda' (2008) 3 *International Public Policy Review* 28
- Vandeginste, S 'Power-Sharing, Conflict and Transition in Burundi: Twenty Years of Trial and Error' (2009) 44 *African Spectrum* 63

NEWSPAPERS

- 'Tsvangirai meets Zuma amid fears of imminent arrest' Pretoria News 28 March 2011 2.
- 'Multi-party democracy failing to resolve African problems' Post Newspaper Zambia 2 May 2011 12
- 'Zim deputy prime minister fights for survival' The Post Newspaper Zambia 17 May 2011 13

UNPUBLISHED DISSERTATIONS

- Biegon, J 'The advent of unholy alliances? Coalition governments in the aftermath of disputed elections and electoral violence in Africa; a case study of Kenya' unpublished LL.M thesis, University of Pretoria (2008)
- Chemhuru, M Democracy in Africa: A Defense and Justification of Kwasi Wiredu's Non-Party Consensual Democracy, Harare, University of Zimbabwe (Unpublished Dissertation) (2004)
- Fessha, YT 'Institutional Recognition and Accommodation of Ethnic Diversity: Federalism in South Africa and Ethiopia' unpublished PHD thesis, University of the Western Cape (2008)
- McCulloch, A 'Seeking stability amid deep division: Consociationalism and Centripetalism In Comparative Perspective' unpublished PHD thesis, Queen's University (2009).
- Ouma, SO 'Constitutional Mechanisms for the Management and Settlement of Identity Conflicts: The Cases of Sudan, Kenya and Somalia' unpublished PHD thesis, Luiss University of Rome (2011)

AGREEMENTS

Global Political Agreement between ZANU-PF and MDC

TREATIES

African Charter on Human and Peoples' Rights

African Charter on Democracy, Elections and Governance (2007)

Constitutive Act of the African Union (2000/2001)

Declaration on the Principles Governing Democratic Elections in Africa (2002)

Protocol to the Treaty Establishing the African Economic Community relating to the Pan-African Parliament (2001/2003)

SADC Protocol on Politics, Defence and Security Co-operation

LEGISLATION

Electoral Act Chapter 2 of the Laws of Zimbabwe sec 13 as amended 110.

South African 1993 Constitution (Interim Constitution)(repealed)

Chapter 1 Constitution of the Federal Republic of Nigeria (1999)

Chapter 1 Constitution of the Republic of Mauritius

Chapter 1 Constitution of the Republic of South Africa

Chapter 1 Constitution of the Republic of Zimbabwe

REPORTS

Annan, K 'Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa' Report of the UN secretary-General (1998) cited in Heyns, C & Steffens (eds) (2006) *Human Rights, Peace and Justice in Africa: A reader* Pretoria: Pretoria University Law Press

INTERNET SOURCES

Hamajoda, A '*Africa and ills of majoritarian democracy*' available at <http://www.peoplesdaily-online.com/opinion/opinion/7558-africa-and-ills-of-majoritarian-democracy-> (accessed 10 September 2011).

Lincoln, A *The Gettysburg Address* available at
 <<http://showcase.netins.net/web/creative/lincoln/speeches/gettysburg.htm>> (accessed 11 September 2011).

'MDC Minister Roy Bennett Arrested in Harare' Voice of America 13 February 2009 available at <<http://www.voanews.com/english/news/a-13-2009-02-13-voa26-68629597.html>> (accessed 11 August 2011).

'MDC split final – official' Exclusive 11 December 2009 available at <<http://www.newzimbabwe.com/pages/senate80.13422.html>> (accessed 2 October 2011)

'MDC ministers boycott cabinet meeting' The Zimbabwe Mail 29 June 2009 available at <<http://www.thezimbabwemail.com/zimbabwe/2782.html>> (accessed 5 October 2011).

'Morgan Tsvangirai pulls out of vote' The Telegraph 22 June 2008 available at <<http://www.telegraph.co.uk/news/worldnews/africaandindianocean/zimbabwe/2175027/Zimbabwe-Morgan-Tsvangirai-pulls-out-of-vote.html>> (accessed on 23 May 2011).

'Mugabe swears in rival Tsvangirai as Zimbabwe PM' The Guardian 11 February 2009 available at <<http://www.guardian.co.uk/world/2009/feb/11/tsvangirai-zimbabwe-prime-minister-mugabe>> (accessed 4 October 2011).

Mugabe avoids SADC bashing' The Zimbabwean 23 November 2011 available at <<http://www.thezimbabwean.co.uk/pages/advertise>> (accessed 25 October 2011).

Mugabe, R "Address to the Nation by the Prime Minister Elect" available at <http://web.archive.org/web/20040312141228/http://www.gta.gov.zw/Presidential+Speeches/1980_Nat_Add.html> (accessed on 6 October 2011)

People's Democratic Party (PDP) Constitution in Nigeria available at <<http://www.peoplesdemocraticparty.net/>> (accessed 13 October 2011).

Sahara Reporters 'A Commentary on Zimbabwe' available at <<http://www.saharareporters.com/article/power-sharing-deals-turning-democracy-upside-down>> (accessed 13 June 2011).

Schuhmacher, G 'Democratisation in Russia and Indonesia: Is liberal democracy inevitable?' available at <http://www.gerhard-schuhmacher.com/nofr/essays/liberal_democracy.pdf> (accessed 18 June 2011).

'Robert Mugabe - Morgan Tsvangirai power-sharing deal: Zimbabweans hail new era' The Telegraph 15 September 2008 available at <<http://www.telegraph.co.uk/news/worldnews/africaandindianocean/zimbabwe/2964451/Robert-Mugabe-Morgan-Tsvangirai-power-sharing-deal-Zimbabweans-hail-new-era.html>> (accessed 5 October 2011).

'SADC Mediators Propose 'Roadmap' for Madagascar Crisis' Voice of America February 4 2011 available at <<http://www.voanews.com/english/news/africa/east/SADC-Mediators-Propose-Roadmap-For-Madagascar-Crisis--115284294.html>> (accessed on 10 October 2011).

'South Africa Lifts Ban on ANC, Other Groups' Washington Post 3 February 1990 1 available at <http://www.washingtonpost.com/wp-srv/inatl/longterm/s_africa/stories/anc020390.htm> (accessed 31 August 2011).

'South Africa to engage Mugabe & Tsvangirai over latest spat' The Zimbabwean 13 October 2001 available at <<http://www.thezimbabwean.co.uk/news/34787/south-africa-to-engage-mugabe-a-tsvangirai-over-latest-spat.html>> (accessed on 31 August 2011).

White, C *Sanctions on Zimbabwe: Africa Under Attack* available at <<http://www.nathanielturner.com/sanctionsonzimbabwe.htm>> (accessed 5 October 2011).

'Zimbabwe: Forced marriage' The Journal 23 February 2009 available at <<http://www.journal-online.co.uk/article/5483-zimbabwe-forced-marriage>> (accessed 4 October 2011).

'Zimbabwe: Forced marriage' The Journal 23 February 2009 available at <<http://www.journal-online.co.uk/article/5483-zimbabwe-forced-marriage>> (accessed 4 October 2011). [replace this authority].

'Zimbabwe: 2008 Presidential election results - first round' Electoral Institute for the Sustainability of Democracy in Africa 2 May 2008 available at <<http://www.eisa.org.za/WEP/zim2008results5.htm>> (accessed 2 October 2011)

'Zimbabwe GNU: The successes and failures' Salan 11 Feb 2011 available at <<http://www.salan.org/news/zimbabwe-gnu-the-successes-and-failures>> (accessed 2 October 2011).

Zuma, J 'Inauguration Speech' available at <http://www.capecapegateway.gov.za/eng/your_gov/595/speeches/2009/may/180844> (accessed 1 October 2011).